

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**MAY 22, 2001**

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

### AGENDA

- ☐ CALL TO ORDER:
- ☐ PRAYER:
- ☐ PLEDGE OF ALLEGIANCE:
- ☐ ROLL CALL:
- ☐ HONORS AND AWARDS:
- ☐ PRESENTATIONS:
- ☐ CONSENT AGENDA:
  - a. Approval of Minutes. CITY CLERK
  - b. Fireworks Display - Muskegon Country Club CITY CLERK
  - c. Muskegon Carriage Company License Renewal CITY CLERK
  - d. Kearney Park Fountain Restoration. LEISURE SERVICES
  - e. County Easement LEISURE SERVICES
  - f. Michigan Municipal League - Annual Membership Dues (7 /1/01 - 6/30/02). CITYMANAGER
  - g. Municipal Sormwater Policy Committee Resolution PUBLIC WORKS
  - h. Appointment to Downtown Development Authority/Brownfield Redevelopment Authority COMMUNITY RELATIONS
- ☐ PUBLIC HEARINGS:
- ☐ COMMUNICATIONS:
- ☐ CITY MANAGER'S REPORT:
- ☐ UNFINISHED BUSINESS:
- ☐ NEW BUSINESS:
  - a. Donation Request for Miss Michigan Scholarship Program. CITY MANAGER
  - b. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 747 Emerald 935 Jefferson. and 238 Strong. INSPECTION SERVICES
  - c. Michigan Transportation Economic Development Fund Category F- Grant Applications. ENGINEERING
  - d. High Service Pump #2 Rebuild - Additional Repairs. WATER
  - e. False Information Ordinance - Section 12-1. POLICE
  - f. Rezoning Request for Property Located Between Nelson Avenue and Harborlowne Circle South of Ohio. PLANNING & ECONOMIC

g. Vacation of Dewey Street. PLANNING & ECONOMIC

h. Alley Vacation in Block 761. PLANNING & ECONOMIC

☐ ANY OTHER BUSINESS:

☐ PUBLIC PARTICIPATION:

☐ CLOSED SESSION: To discuss pending litigation

▶ *Reminder: Individuals who would like to address the City Commission shall do the following:*

▶ Be recognized by the Chair.

▶ Step forward to the microphone.

▶ State name and address.

▶ Limit of 3 minutes to address the Commission.

▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ ADJOURNMENT:

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

**Date: May 22, 2001**  
**To: Honorable Mayor and City Commissioners**  
**From: Gail A. Kunding, City Clerk**  
**RE: Approval of Minutes**

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SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, May 7, 2001; and the Regular Commission Meeting that was held on Tuesday, May 8, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**MAY 22, 2001**

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

### Minutes

The Regular Commission Meeting of the City Of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, May 22, 2001.

Mayor Fred J. Nielsen opened the meeting by introducing the Rev. Randy Hansen, Central United Methodist Church, who offered the prayer, after which the members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

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

Absent: Commissioner Clara Shepherd. (Arrived at 5:35pm)

#### **2001-57      CONSENT AGENDA:**

##### **a. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, May 7, 2001; and the Regular Commission Meeting that was held on Tuesday, May 8, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **b. Fireworks Display – Muskegon Country Club. CITY CLERK**

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc., is requesting approval of a fireworks display for July 4, 2001, at the Muskegon Country Club. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval, subject to Fire Marshall Grabinski's inspection.

**d. Kearney Park Fountain Restoration. LEISURE SERVICES**

SUMMARY OF REQUEST: To hire McKay Lodge Fine Arts Conservatory to restore the Kearney Park Fountain.

FINANCIAL IMPACT: \$47,904.00

BUDGET ACTION REQUIRED: None, to be funded through a Community Foundation for Muskegon County grant and the Parks Budget.

STAFF RECOMMENDATION: Approve

**e. County Easement. LEISURE SERVICES**

SUMMARY OF REQUEST: To approve an easement for Muskegon County to move both the force main and a water main in Richards Park because of the new bridge being built.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

**f. Michigan Municipal League – Annual Membership Dues (7/1/01 – 6/30/02). CITY MANAGER**

SUMMARY OF REQUEST: To obtain permission from the City Commission, in accordance with the Purchasing Policies and Procedures, to pay the MML Annual Membership Dues for July 1, 2001, through June 30, 2002.

|                                        |                 |
|----------------------------------------|-----------------|
| FINANCIAL IMPACT: MML Membership Dues: | \$8,331         |
| Environmental Affairs Assessment:      | \$1,000         |
| Legal Defense Fund Membership:         | <u>\$ 833</u>   |
| Total Dues:                            | <u>\$10,164</u> |

BUDGET ACTION REQUIRED: None, cost applied to proper budget line items.

STAFF RECOMMENDATION: Approval

**g. Municipal Stormwater Policy Committee Resolution. PUBLIC WORKS**

SUMMARY OF REQUEST: To approve an intergovernmental resolution proposed by the Muskegon Area Municipal Storm Water Policy Committee. This committee recommends the attainment of the voluntary storm water permit and the formation of an intergovernmental technical committee to develop a plan to obtain this permit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

**h. Appointment to Downtown Development Authority/Brownfield Redevelopment Authority. COMMUNITY RELATIONS**

SUMMARY OF REQUEST: To appoint Ben Bifoss of 297 Clay, Muskegon, Michigan, to the Downtown Development Authority/Brownfield Redevelopment Authority Board.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Appointment to the Board.

**Moved by Commissioner Spataro, seconded by Commissioner Aslakson to approve the consent agenda as read with the exception of item "c" which was removed.**

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

**NAYS: None**

**MOTION ADOPTED**

**2001-58 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**c. Muskegon Carriage Company License Renewal. CITY CLERK**

SUMMARY OF REQUEST: To approve the request to renew the license for two(2) carriages for operation in the City of Muskegon for 2001-2002 licensing year. The carriages will be inspected by the Police Department and proper insurance will be submitted prior to issuance of the license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

**Moved by Commissioner Schweifler, seconded by Commissioner Aslakson to approve the request for license renewal to Muskegon Carriage Company for two(2) carriages.**

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

**NAYS: Sieradzki (abstained)**

**MOTION ADOPTED**

**PUBLIC HEARINGS: None**

**COMMUNICATIONS: None**

**CITY MANAGER'S REPORT: None**

**UNFINISHED BUSINESS: None**

**2001-59 NEW BUSINESS:**

**a. Donation Request for Miss Michigan Scholarship Program. CITY MANAGER**

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

FINANCIAL IMPACT: \$10,000.00

BUDGET ACTION REQUIRED: Budget amendment would be required if request were approved.

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

**Moved by Commissioner Schweifler, seconded by Commissioner Spataro to concur with staff recommendation to deny the request for donation and consider for the 2002 budget year.**

**MOTION TABLED**

**Moved by Commissioner Spataro, seconded by Vice Mayor Sieradzki to table the issue until the next meeting.**

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

**NAYS: None**

**MOTION ADOPTED**

- b. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 747 Emerald, 935 Jefferson, and 238 Strong.**  
**INSPECTION SERVICES**

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structures located at **747 Emerald**, **935 Jefferson**, and **238 Strong** are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition's of the structures and that the Mayor and City Clerk be authorized and directed to execute contract(s) for demolition with the lowest responsible bidder(s).

**747 Emerald**

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

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

**Moved by Commissioner Schweifler, seconded by Commissioner Shepherd to concur with the Housing Board of Appeals and authorize the Mayor and City Clerk to sign the contract.**

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

**NAYS: None**

**MOTION ADOPTED**

**935 Jefferson**

FINANCIAL IMPACT: General

BUDGET ACTION REQUIRED: None

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

**Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to concur with the Housing Board of Appeals and authorize the Mayor and the City Clerk to sign the contract.**

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

**NAYS: None**

**MOTION ADOPTED**

**238 Strong**

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

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

**Moved by Commissioner Schweifler, seconded by Commissioner Shepherd to concur with the Housing Board of Appeals and to authorize the Mayor and City Clerk to sign the contract.**

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

**NAYS: Sieradzki**

**MOTION ADOPTED**

**c. Michigan Transportation Economic Development Fund Category F-Grant Applications. ENGINEERING**

SUMMARY OF REQUEST: Your permission for submit Michigan Transportation Economic Development Fund Category F Grant Applications for the following projects is respectfully requested:

1. Milling and resurfacing as well as Curb/Gutter replacement on **Southern Ave. from Seaway to Division.** Estimated cost is \$255,000.
2. Milling and resurfacing of **Sherman Blvd. From Lincoln to Beach St.** Estimated cost is \$510,000.
3. Milling and resurfacing as well as curb repairs on **Hackley Ave. from Seaway to Hudson.** Estimated cost is \$264,000.
4. Milling and resurfacing as well as curb/gutter repairs on **Division from Southern to Western Ave.** Estimated cost is \$264,000.
5. Milling and resurfacing of **Black Creek Rd. from Sherman to Latimer.** Estimated cost is \$350,000.
6. Milling and resurfacing of **Laketon Ave. from Peck to Park.** Estimated cost is \$550,000.

FINANCIAL IMPACT: The grant application would request a 50% participation from Michigan Transportation Development Fund with the other 50% plus engineering from the Major Street.

BUDGET ACTION REQUIRED: None at this time. However, should any of the projects get approval, we would have to include it in the 2002 Capital Improvement Budget.

STAFF RECOMMENDATION: Approve the submittal of the grant applications.

**Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to approve the submittal of the TEDF Category F grant application for items 1-6 as stated.**

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

**NAYS: None**

**MOTION ADOPTED**

**d. High Service Pump #2 Rebuild –additional repairs. WATER FILTRATION**

SUMMARY OF REQUEST: To authorize necessary additional repairs to High Service Pump #2.

FINANCIAL IMPACT: Repair costs of \$11,724.99 in addition to the original agreement of \$20,100.00.

BUDGET ACTION REQUIRED: This is an unplanned expense and will require an internal budget transfer from another line item.

STAFF RECOMMENDATION: To authorize the contractor to perform the additional repairs in conjunction to the original rebuild project at a cost of \$11,724.99.

**Moved by Commissioner Spataro, seconded by Commissioner Aslakson to authorize the rebuild High Service Pump #2.**

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

**NAYS: None**

**MOTION ADOPTED**

**e. False Information Ordinance - Section 12-1. POLICE**

SUMMARY OF REQUEST: To amend Section 12-1 of the Code of Ordinances concerning obedience to signs and official instructions regarding use of public areas; following directions of police officers; obstructing, resisting or opposing police officers; giving identification.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the Ordinance.

**Moved by Commissioner Shepherd, seconded by Commissioner Schweifler to amend the Code of Ordinance in regards to the False Information Ordinance as stated.**

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

**NAYS: None**

**MOTION ADOPTED**

**f. Rezoning Request for Property Located Between Nelson Avenue and Harbortowne Circle, South of Ohio. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone property located in Block 761 from R-1, Single-Family Residential to LR, Lakefront Recreation.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request due to the approval of a special use permit that limits the height and scope of the residential development.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the rezoning. Members present: Coleman (yes); Nielsen (no); Aslakson (yes); Mazade (yes); Sartorius (no); Veltkamp (yes).

**Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to approve the rezoning the property located in Block 761 from R-1, to LR.**

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

**NAYS: None**

**MOTION ADOPTED**

**g. Vacation of Dewey Street. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to vacate Dewey St. (south of Ohio Street, to its terminus)

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of street to facilitate the development of five buildings, each with four living units.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation. Members present: Coleman (yes); Nielsen (no); Aslakson (yes); Sartorius (yes); Veltkamp (yes).

**Moved by Commissioner Aslakson, seconded by Commissioner Spataro to approve the request to vacate Dewey Street, south of Ohio Street to its terminus.**

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

**NAYS: None**

**MOTION ADOPTED**

**h. Alley Vacation in Block 761. PLANNING & ECONOMIC  
DEVELOPMENT**

SUMMARY OF REQUEST: Request for vacation of both the north/south and the east/west alleys in Block 761 (said block is bounded by beach St., Nelson St., Ohio St., and Dewey St.)

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of alley to facilitate the development of five buildings, each with four living units.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation. Members present: Coleman (yes); Nielsen (no); Aslakson (yes); Sartorius (yes); Veltkamp (yes).

**Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to approve the request to vacate both the north/south and east/west alley in Block 761.**

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

**NAYS: None**

**MOTION ADOPTED**

**EXCUSED:** Commissioner Clara Shepherd left at 7:00pm.

**2001-60 ANY OTHER BUSINESS:**

Commissioner Schweifler spoke in regards to the Pere Marquette Development. Would like item brought to the next meeting. Manager Bryon Mazade responded that the request for proposal would be brought in front of commission for their consideration.

Commissioner Benedict spoke in regards to surplus monies from 2000 which could be used for Pageant support. Manager Bryon Mazade stated that after the first quarter reforecast, the monies were placed in the general fund and not in the contingency fund.

**Motion was made by Commissioner Benedict to appoint the Mayor and Vice Mayor to the committee for the Cross Lake Ferry.**

**Commissioner Aslakson amended the motion to table the issue for a later date, Commissioner Schweifler seconded the motion.**

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

**NAYS: None**

**MOTION ADOPTED**

**2001-61 PUBLIC PARTICIPATION:**

Various comments were heard from the public.

**ADJOURNMENT:**

The Regular Commission Meeting for the City Of Muskegon was adjourned at 7:30pm.

Respectfully submitted;

A handwritten signature in blue ink that reads "Gail Kunding". The signature is written in a cursive, flowing style.

Gail Kunding, CMC/AAE

City Clerk

GK/da

**Date: May 22, 2001**  
**To: Honorable Mayor and City Commissioners**  
**From: Gail A. Kunding, City Clerk**  
**RE: Fireworks Display – Muskegon Country Club**

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SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc., is requesting approval of a fireworks display for July 4, 2001, at the Muskegon Country Club. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval, subject to Fire Marshall Grabinski's inspection.

**APPLICATION**  
**FOR FIREWORKS DISPLAY PERMIT**  
Act 36, P.A. 1976

DATE OF APPLICATION

March 20, 2001

1. TYPE OF DISPLAY



Public Display



Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

Melrose Pyrotechnics, Inc.

ADDRESS

P.O. Box 302, Kingsbury, IN 46345

AGE: Must be 18 or over

IF A CORPORATION: Name of President

Michael Cartolano

ADDRESS

P.O. Box 302, Kingsbury, IN 46345

3. PYROTECHNIC OPERATOR

NAME OF PERSON

Paul Kiste

ADDRESS

P.O. Box 123, Belding, MI 48809

AGE: Must be 18 or over

36

EXPERIENCE:

NUMBER OF YEARS

NUMBER OF DISPLAYS

18 years

WHERE

Michigan, Illinois, Indiana

NAMES OF ASSISTANTS:

NAME

Michael Falke

ADDRESS

P.O. Box 123, Belding, MI 48809

AGE:

28

NAME

Kevin Packard

ADDRESS

P.O. Box 123, Belding, MI 48809

AGE:

20

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

Paul A. Kiste

ADDRESS

P.O. Box 123, Belding, MI 48809

TELEPHONE NUMBER

(800) 771-7976

5. EXACT LOCATION

Muskegon Country Club grounds

DATE

July 4, 2001

TIME

Dusk

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

Approximately 1,200 aerial display shells ranging in size from 1½ inches to 8 inches in diameter.

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

No storage necessary, delivered on date of display.

Subject to Approval of Local Fire Authorities!

A. AMOUNT OF BOND OR INSURANCE

to be set by municipality

\$ 5,000,000.00

7. FINANCIAL RESPONSIBILITY

B. BONDING CORPORATION OR INSURANCE COMPANY: NAME

Britton-Gallagher & Associates

ADDRESS

6240 SOM Center Rd., Cleveland, OH 44139

**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:

NAME

Melrose Pyrotechnics, Inc.

ADDRESS

P.O. Box 302, Kingsbury, Indiana 46345

AGE

REPRESENTING:

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Muskegon Country Club

ADDRESS

2801 Lakeshore Drive, Muskegon, Michigan

NUMBER & TYPES OF FIREWORKS:

Approximately 1,200 aerial display shells ranging in size from 1½ inches to 8 inches  
in diameter.

DISPLAY:

EXACT LOCATION

2801 Lakeshore Drive, Muskegon, Michigan

CITY, VILLAGE, TOWNSHIP

City of Muskegon

DATE

July 4, 2001

TIME

Dusk

BOND OR INSURANCE FILED:



YES



NO

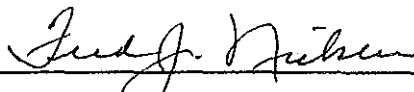
AMOUNT \$5,000,000.00

ISSUED BY: Britton-Gallagher & Assoc.

Issued by action of the \_\_\_\_\_ City Commission \_\_\_\_\_  
(council, commission, board)

of the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Muskegon \_\_\_\_\_  
(city, village, township) (name of city, village, township)

on the \_\_\_\_\_ 22nd \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_ 20 01



Fred J. Nielsen, Mayor

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

03/20/01

## PRODUCER

440-248-4711

Britton-Gallagher & Assoc.  
6240 SOM Center Rd.  
Cleveland, OH 44139-2985

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.

## COMPANIES AFFORDING COVERAGE

COMPANY

A

Lexington Insurance Company

COMPANY

B

COMPANY

C

COMPANY

D

## INSURED

Melrose Pyrotechnics, Inc.  
P.O. Box 302  
Kingsbury, IN 46345

## COVERAGES

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| CO LTR | TYPE OF INSURANCE                                                                                           | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS                       |            |
|--------|-------------------------------------------------------------------------------------------------------------|---------------|----------------------------------|-----------------------------------|------------------------------|------------|
| A      | GENERAL LIABILITY                                                                                           | 4018708       | 4/01/01                          | 4/01/02                           | GENERAL AGGREGATE            | \$ 2000000 |
|        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                                            |               |                                  |                                   | PRODUCTS - COMP/OP AGG       | \$ 2000000 |
|        | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR                              |               |                                  |                                   | PERSONAL & ADV INJURY        | \$ 1000000 |
|        | OWNER'S & CONTRACTOR'S PROT                                                                                 |               |                                  |                                   | EACH OCCURRENCE              | \$ 1000000 |
|        |                                                                                                             |               |                                  |                                   | FIRE DAMAGE (Any one fire)   | \$ 50000   |
|        |                                                                                                             |               |                                  |                                   | MED EXP (Any one person)     | \$         |
|        | AUTOMOBILE LIABILITY                                                                                        |               |                                  |                                   | COMBINED SINGLE LIMIT        | \$         |
|        | <input type="checkbox"/> ANY AUTO                                                                           |               |                                  |                                   | BODILY INJURY (Per person)   | \$         |
|        | <input type="checkbox"/> ALL OWNED AUTOS                                                                    |               |                                  |                                   | BODILY INJURY (Per accident) | \$         |
|        | <input type="checkbox"/> SCHEDULED AUTOS                                                                    |               |                                  |                                   | PROPERTY DAMAGE              | \$         |
|        | GARAGE LIABILITY                                                                                            |               |                                  |                                   | AUTO ONLY - EA ACCIDENT      | \$         |
|        | <input type="checkbox"/> ANY AUTO                                                                           |               |                                  |                                   | OTHER THAN AUTO ONLY:        |            |
|        |                                                                                                             |               |                                  |                                   | EACH ACCIDENT                | \$         |
|        |                                                                                                             |               |                                  |                                   | AGGREGATE                    | \$         |
| A      | EXCESS LIABILITY                                                                                            | 5642108       | 4/01/01                          | 4/01/02                           | EACH OCCURRENCE              | \$ 4000000 |
|        | <input checked="" type="checkbox"/> UMBRELLA FORM                                                           |               |                                  |                                   | AGGREGATE                    | \$ 4000000 |
|        | OTHER THAN UMBRELLA FORM                                                                                    |               |                                  |                                   |                              | \$         |
|        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                               |               |                                  |                                   | WC STATUTORY LIMITS          | OTH-ER     |
|        | THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL |               |                                  |                                   | EL EACH ACCIDENT             | \$         |
|        |                                                                                                             |               |                                  |                                   | EL DISEASE - POLICY LIMIT    | \$         |
|        | OTHER                                                                                                       |               |                                  |                                   | EL DISEASE - EA EMPLOYEE     | \$         |

## DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

DISPLAY DATE: July 4, 2001 LOCATION: Muskegon Country Club

Muskegon, Michigan ADDITIONAL INSURED: Muskegon Country Club; City of Muskegon, Michigan;  
Mr. Ron Whorton

## CERTIFICATE HOLDER

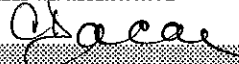
Muskegon Country Club  
ATTN: Mr. Ron Whorton  
2801 Lakeshore Drive  
Muskegon, Michigan 49441

000089

## CANCELLATION

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

AUTHORIZED REPRESENTATIVE



**Date:** May 14, 2001  
**To:** Honorable Mayor and City Commissioners  
**From:** Ric Scott   
**RE:** Kearney Park Fountain Restoration

---

**SUMMARY OF REQUEST:**

To hire McKay Lodge Fine Arts Conservatory to restore the Kearney Park Fountain

**FINANCIAL IMPACT:**

\$47,904

**BUDGET ACTION REQUIRED:**

None, to be funded through a Community Foundation for Muskegon County grant and the Parks Budget

**STAFF RECOMMENDATION:**

Approve

**COMMITTEE RECOMMENDATION:**

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

Assessor  
231/724-6708  
FAX/726-5181

Cemetery  
231/724-6783  
FAX/726-5617

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

Clerk  
231/724-6705  
FAX/724-4178

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

Engineering  
231/724-6707  
FAX/727-6904

Finance  
231/724-6713  
FAX/724-6768

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

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

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

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

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

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

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

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

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

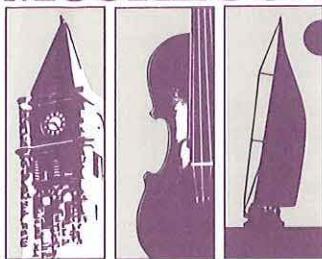
Public Works  
231/724-4100  
FAX/722-4188

Treasurer  
231/724-6720  
FAX/724-6768

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

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

# MUSKEGON



West Michigan's Shoreline City

**Date:** May 14, 2001

**To:** Honorable Mayor and City Commissioners

**From:** Ric Scott *RS*

**Re:** Kearney Park Fountain Restoration

The City of Muskegon applied for funding through the Save Outdoor Sculptures organization to restore both the Kearney Park and Root Park Fountains. The grant request was denied. They had more projects seeking funding than they had money.

I am requesting that you authorize a contract with McKay-Lodge, who did Hackley Park, to do just the Kearney Fountain at a cost of \$47,904. The price is the estimate they did last year. When we bid out the work for Hackley Park, they were the low bidder. We have been very satisfied with their work. This is a very specialized area and I would like to keep continuity in how we preserve our historic outdoor sculptures.

The reason for doing Kearney, rather than Root, is that the Kearney Fountain is in worse shape. It needs attention soon, or it will fall down.

The cost for the project will come from the Parks budget. Money was set aside to match both grants, but we can afford to do only one. We also have a \$5,000 from the Community Foundation for Muskegon County that will help with the project. We will also be working with Eagle Alloy, who did the Hackley Park light poles, to get the work done.

I am asking for authorization to proceed with this project.

Thank you for your consideration.

**Date:** May 14, 2001  
**To:** Honorable Mayor and City Commissioners  
**From:** Ric Scott   
**RE:** County Easement

---

**SUMMARY OF REQUEST:**

To approve an easement for Muskegon County to move both a force main and a water main in Richards Park because of the new bridge being built

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Approve

**COMMITTEE RECOMMENDATION:**

**Affirmative Action**

231/724-6703

FAX/722-1214

**Assessor**

231/724-6708

FAX/726-5181

**Cemetery**

231/724-6783

FAX/726-5617

**Civil Service**

231/724-6716

FAX/724-4405

**Clerk**

231/724-6705

FAX/724-4178

**Comm. & Neigh.**

**Services**

231/724-6717

FAX/726-2501

**Engineering**

231/724-6707

FAX/727-6904

**Finance**

231/724-6713

FAX/724-6768

**Fire Dept.**

231/724-6792

FAX/724-6985

**Income Tax**

231/724-6770

FAX/724-6768

**Info. Systems**

231/724-6744

FAX/722-4301

**Leisure Service**

231/724-6704

FAX/724-1196

**Manager's Office**

231/724-6724

FAX/722-1214

**Mayor's Office**

231/724-6701

FAX/722-1214

**Inspection Services**

231/724-6715

FAX/726-2501

**Planning/Zoning**

231/724-6702

FAX/724-6790

**Police Dept.**

231/724-6750

FAX/722-5140

**Public Works**

231/724-4100

FAX/722-4188

**Treasurer**

231/724-6720

FAX/724-6768

**Water Billing Dept.**

231/724-6718

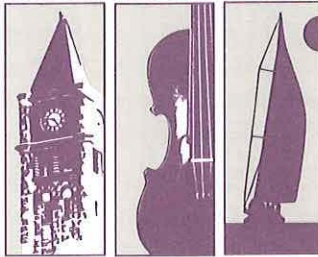
FAX/724-6768

**Water Filtration**

231/724-4106

FAX/755-5290

# MUSKEGON



West Michigan's Shoreline City

**Date:** May 14, 2001

**To:** Honorable Mayor and City Commissioners

**From:** Ric Scott *[Signature]*

**Re:** County Easement

Muskegon County needs to move both a force main and a water main that runs through Richards Park because of the new bridge construction over the middle branch of the Muskegon River. The County has asked that they be granted the attached easement for this work.

I would ask that you authorize the Mayor and Clerk sign the attached agreement.

Thank you for your consideration.

PARCEL NO. 61-24-117-300-0003-00

TAX NO....

NAME..... City of Muskegon

EASEMENT

2001-57(e)

Indenture made this 22 day of May A.D.,

2001, between The City of Muskegon, a Michigan Municipal Corporation, whose address is  
(Name of Owners)

933 Terrace Street

(Street Address)

Muskegon

Michigan

49443-0536

(City)

(State)

(Zip code)

Grantors, and the County of Muskegon, a municipal corporation, by and through its County board, County Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "County" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and the County of Muskegon is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the County an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the County, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the County of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the County general plan for the Northside Water System with all of its necessary apparatus and appurtenances, which is a part of the Muskegon County Northside Water System.

Grantors grant and convey to the County herewith, the right and privilege to use the temporary easement when required for the initial construction of the said sewer lines, pipes and mains, which shall expire after same are constructed, but not before the calendar year 2002 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. County shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.

2. County shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.

3. County shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.

4. County in excavating for, constructing, laying, maintaining and repairing said sewer lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

5. Grantor agrees that no building or construction of any kind or nature will be placed upon the above right-of-way and no excavation shall be made within said easement without prior written consent of Grantee, which shall not unreasonably withheld.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Debra Atkinson  
DEBRA ATKINSON

By: Fred Nielsen  
Fred Nielsen, Mayor

STATE OF MICHIGAN     )  
                                      ) SS  
COUNTY OF MUSKEGON)

On this 29 day of May, A.D., 20 01, before me

personally appeared Fred Nielsen, Mayor  
to me known to be the person described in and who executed the foregoing instrument and  
acknowledged that he executed the same as his free act and deed.

Linda S. Potter  
Notary Public Linda S. Potter  
County of Muskegon, Michigan  
My Commission Expires: 9-25-02

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Jo Ann Krukowski  
Jo Ann Krukowski

By: Gail Kunderger  
Gail Kunderger, Clerk

STATE OF MICHIGAN     )  
                                      ) SS  
COUNTY OF MUSKEGON)

On this 29 day of May, A.D., 20 01, before me

personally appeared Gail Kunderger, Clerk  
to me known to be the person described in and who executed the foregoing instrument and  
acknowledged that she executed the same as her free act and deed.

Linda S. Potter  
Notary Public Linda S. Potter  
County of Muskegon, Michigan  
My Commission Expires 9-25-02

# EASEMENTS

PARCEL NO. 61-24-117-300-0003-00

TAX NO. \_\_\_\_\_

NAME: City of Muskegon

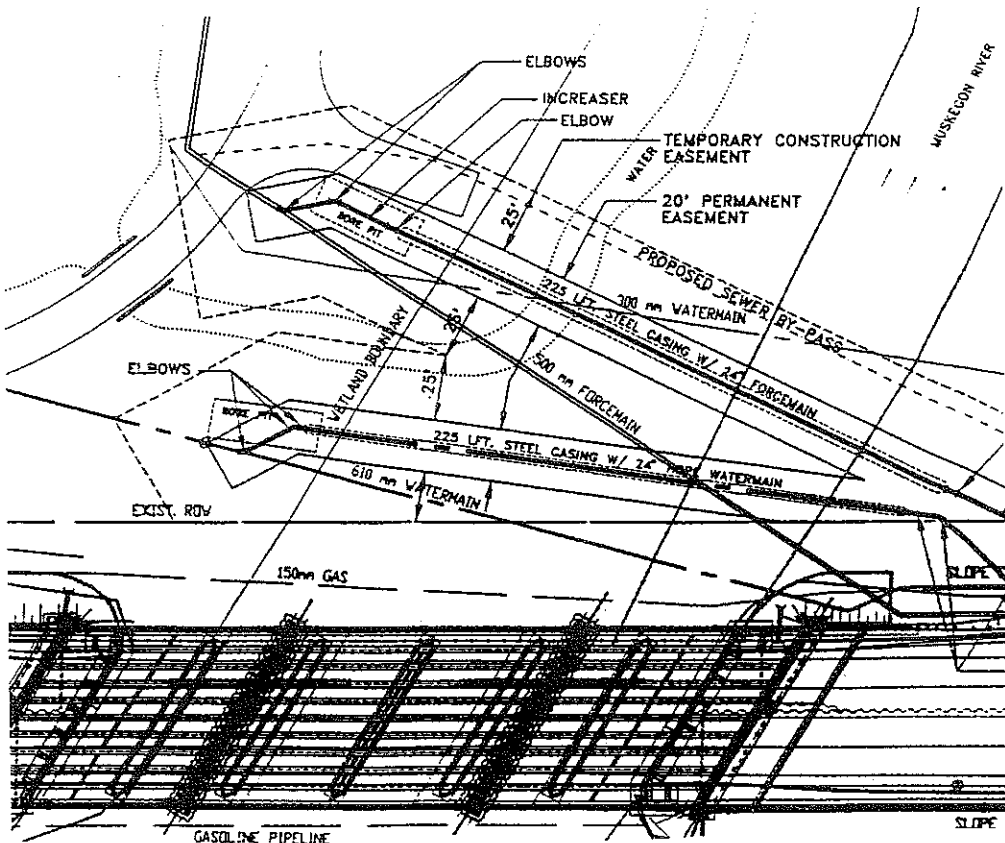
## DESCRIPTION OF PROPERTY

(As taken from the Muskegon County Tax Roll)

PART OF SW ¼ SEC 17 10 16 COM @ INTER OF N LINE BLK 545 & ELY R/W LINE OF C & O RR TH NLY ALONG SAID R/W TO C/L OF CHANNEL OF MUSKEGON RIVER TH NELY ALONG C/L SAID RIVER CHANNEL TO WLY LINE OTTAWA ST. TH SLY & WLY ALONG WLY LINE OF OTTAWA ST TO N LINE OF BLK 544 TH W ALONG N LINE OF BLK 544 & 545 TO BEGINNING.

## DESCRIPTION OF EASEMENT: A MODIFICATION TO AN EXISTING UTILITY EASEMENT RECORDED IN LIBER 1226 PAGE 973

A UTILITY EASEMENT FOR BOTH THE WATERMAIN AND SEWER FORCE MAIN DESCRIBED AS: A 20' WIDE PERMANENT EASEMENT, 10' EACH SIDE OF CENTERLINE OF THE UTILITY PIPE, WITH AN ADDITIONAL 25' WIDE TEMPORARY CONSTRUCTION EASEMENT ON EACH SIDE; COMMENCING AT A POINT APPROXIMATELY 150 FEET MORE OR LESS SOUTHERLY FROM THE WATER'S EDGE OF THE NORTH CHANNEL OF THE MUSKEGON RIVER ALONG THE EXISTING UTILITY; THENCE DEFLECTING WESTERLY ALONG THE UTILITY NORTH TO THE EXISTING RIVER'S EDGE.



Prepared by:  
**JOHNSON & ANDERSON, INC.**  
2685 Holton Road  
N. Muskegon, MI 49445

Date: \_\_\_\_\_

Scale: \_\_\_\_\_

Job No. 14967-00

After recording return to:  
Muskegon County DPW  
4<sup>th</sup> Floor County Building  
Muskegon, MI 49442

LINES 1226 PAGE 973

COUNTY OF MUSKEGON  
EASEMENT AND RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS, that the City of Muskegon, a Michigan Municipal Corporation, whose address is 933 Terrace Street, Muskegon, Michigan, 49443-0536, hereinafter called "Grantor", for and in consideration of the sum of One Dollar to them in hand paid by the COUNTY OF MUSKEGON, a municipal corporation, whose address is 990 Terrace Street, Muskegon, Michigan, 49442, hereinafter called "Grantee", does hereby convey, grant and release to the said Grantee an easement and right-of-way in which to erect, construct, install and lay, and thereafter to use, operate, inspect, repair, maintain, replace and remove, a water main and appurtenant parts thereof, over, across, under and through part of the land owned by the Grantor and to enter upon sufficient land adjacent to said easement and right-of-way for the purpose of construction, operation, maintenance, repair and/or replacement thereof.

A PERMANENT EASEMENT 20.00 feet in width, the centerline of said easement being described as:

Part of the Southwest one-quarter, Section 17, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan, described as BEGINNING on the centerline of Ottawa Street (former U.S. 31) North 22°30'00" East 785.98 feet from the Northerly right-of-way line of Bayou Street (a 66.00 foot wide public street); thence North 54°00'11" West 174.30 feet; thence North 20°15'11" West 26.80 feet; thence North 1°49'01" East 48.92 feet; thence Northwesterly 394.006 feet along an 800.00 foot radius curve to the left, the long chord of which bears North 12°17'32.5" West a distance of 390.036 feet; thence North 26°24'06" West 180.07 feet; thence North 38°08'27" West 100 feet more or less to the place of ending of this easement which is located at the water's edge of the North Channel of the Muskegon River; EXCEPT that part of the above description located within the right-of-way of said Ottawa Street

TEMPORARY CONSTRUCTION EASEMENT 35.00 feet in width, the centerline of said easement being described as:

Part of the Southwest one-quarter, Section 17, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan, described as BEGINNING on the centerline of Ottawa Street (former U.S. 31) North 22°30'00" East 785.98 feet from the Northerly right-of-way line of Bayou Street (a 66.00 foot wide public street); thence North 54°00'11" West 174.30 feet; thence North 20°15'11" West 26.80 feet; thence North 1°49'01" East 48.92 feet; thence Northwesterly 394.006 feet along an 800.00 foot radius curve to the left, the long chord of which bears North 12°17'32.5" West a distance of 390.036 feet; thence North 26°24'06" West 180.07 feet; thence North 38°08'27" West 100 feet more or less to the place of ending of this easement which is located at the water's edge of the North Channel of the Muskegon River; EXCEPT that part of the above description located within the right-of-way of said Ottawa Street.

~~Grantor agrees that no building or construction of any kind or nature will be placed upon the above right-of-way and no excavation shall be made within said easement without prior written consent of Grantee, which shall not be unreasonably withheld.~~

If the said premises shall be disturbed by reason of the exercise of any of the foregoing powers, then said premises shall be restored to its original condition by the Grantee.

Grantee shall provide Grantor with a temporary roadway for pedestrians and vehicular access to the premises. Grantee shall cooperate with Grantor to cause the least inconvenience to Grantor during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.

THIS GRANT and other provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

STATE OF MICHIGAN  
COUNTY OF MUSKEGON  
RECEIVED FOR RECORD  
OCT 29 10  
J. J. J. J.  
REGISTER OF DEEDS

LIBER 1226 PAGE 974

THIS INSTRUMENT shall be binding and inure to the benefit of the parties hereto, their representatives, successors, heirs and assigns.

Dated this 13th day of October, 1981.

Signed and Sealed in  
presence of

CITY OF MUSKEGON

Mary C. Smith  
Mary C. Smith  
Marilyn J. Wernstrom  
Marilyn J. Wernstrom

By Marquerite Holcomb L.S.  
Marquerite Holcomb, Mayor  
By Marva A. Vasquez L.S.  
Marva A. Vasquez, Clerk

STATE OF MICHIGAN )  
COUNTY OF MUSKEGON ) SS

The foregoing instrument was acknowledged before me this 14th day  
of October, 1981, by Marguerite Holcomb, Mayor and  
Marva A. Vasquez, City Clerk

of the City of Muskegon, a Michigan Municipal Corporation.

Mary C. Smith  
Mary C. Smith  
Notary Public,  
My commission expires Feb. 20, 1985

Drafted under direction of:

Harry J. Knudsen  
120 W. Apple Avenue  
Muskegon, MI

AGENDA ITEM NO. \_\_\_\_\_

CITY COMMISSION MEETING 05/22/01

**TO:** Honorable Mayor and City Commissioners

**FROM:** Bryon L. Mazade, City Manager

**DATE:** May 11, 2001

**RE:** MML – Annual Membership Dues (7/1/01 – 6/30/02)

**SUMMARY OF REQUEST:**

To obtain permission from the City Commission, in accordance with the Purchasing Policies and Procedures, to pay the MML Annual Membership Dues for July 1, 2001, through June 30, 2002.

**FINANCIAL IMPACT:**

|                                   |                 |
|-----------------------------------|-----------------|
| MML Membership Dues:              | \$ 8,331        |
| Environmental Affairs Assessment: | \$ 1,000        |
| Legal Defense Fund Membership:    | \$ 833          |
| Total Dues:                       | <u>\$10,164</u> |

**BUDGET ACTION REQUIRED:**

None. Cost applied to proper budget line items.

**STAFF RECOMMENDATION:**

Approval.

**COMMITTEE RECOMMENDATION:**

None.



**President**  
CHARLES SMILEY  
Mayor, Burton

**Vice President**  
JEFFREY FITCH  
Village President, Kalkaska

**Trustees**  
MARGARET "PEGGI" ARNOLD  
Mayor, Manistique

KENNETH BABICH  
Mayor, Marlette

FRANKLIN L. CAMPBELL  
Mayor, Hastings

C. D. "AL" CAPPUCCILLI  
Mayor, Monroe

HAROLD DRAKE  
Village President, Ravenna

MYRON FRASIER  
Council President, Southfield

FREMAN HENDRIX  
Deputy Mayor, Detroit

PATRICIA KILLINGBECK  
City Manager, Au Gres

KURT KIMBALL  
City Manager, Grand Rapids

GEORGE KORTHAUER  
City Manager, Petoskey

KATE LAWRENCE  
Mayor, Brighton

JAMES LEIDLEIN  
City Manager, Harper Woods

CAROL SHEETS  
Mayor Pro Tem, Wyoming

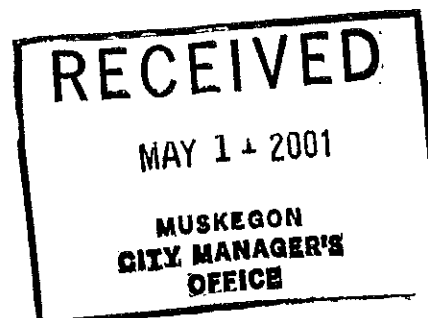
ROBERT SLATTERY, JR.  
Mayor, Mount Morris

JOEL THOMPSON  
Mayor, Otsego

MICHAEL USKIEWICZ  
City Manager, Escanaba

**Executive Director**  
GEORGE D. GOODMAN

May 4, 2001



Ms. Gail A. Kunderinger  
Muskegon City Clerk  
933 Terrace St.  
PO Box 536  
Muskegon, MI 49443-0536

Dear Ms. Kunderinger:

Enclosed are your Michigan Municipal League renewal invoice and membership plaque insert that recognizes your continuing membership in the MML. In preparing your invoice, the state shared revenue figures used for the dues calculation are accurate to the best of our knowledge.

On behalf of the trustees and staff I would like to thank you for your continued support of the League. It is only through the cooperation and participation of our municipal members that the League is in a position to help meet the needs of local government by providing information, education, political involvement and a host of other services tailored especially for member cities and villages.

Your participation in League meetings, conferences, training programs and our miscellaneous services is encouraged as we move into our second century of furthering and strengthening the objectives of local government.

The three League offices are always available to you, as is the MML's Web site ([www.mml.org](http://www.mml.org)).

Please feel free to call me or any staff member should you have questions.

Sincerely,

George D. Goodman  
Executive Director

Enc.

A member of the National League of Cities

**Web Address**  
[www.mml.org](http://www.mml.org)

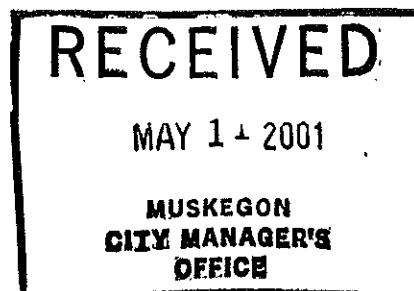
**Headquarters Office**  
1675 Green Road, P.O. Box 1487  
Ann Arbor, MI 48106-1487  
Phone: 734-662-3246  
Fax: 734-662-8083

**Lansing Office**  
320 N. Washington Square, Suite 110  
Lansing, MI 48933-1288  
Phone: 517-485-1314  
Fax: 517-372-7476

**Northern Field Office**  
8925 Garden Road  
Garden, MI 49835-9270  
Phone: 906-644-2299  
Fax: 906-644-2298



**MICHIGAN MUNICIPAL LEAGUE  
MEMBERSHIP RENEWAL INVOICE  
2001 - 2002**



**CITY OF MUSKEGON**

Id: 347

Date: May 4, 2001

Membership Period: July 1, 2001 - June 30, 2002

|                                   |                 |
|-----------------------------------|-----------------|
| * 1999-2000 State Shared Revenue: | \$5,170,852     |
| * Michigan Municipal League Dues  | \$8,331         |
| * Environment Affairs Assessment  | 1,000           |
| * Legal Defense Fund              | 833             |
| * Total due by July 1, 2001       | <u>\$10,164</u> |

**Please sign, date and return one invoice copy with your payment.**

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\* See reverse side

Michigan Municipal League  
P.O. Box 7409  
Ann Arbor, MI 48106-7409  
800.653.2483

**Date:** May 11, 2001  
**To:** Honorable Mayor and City Commissions  
**From:** Ken Meyer, Deputy DPW Director  
**RE:** Municipal Stormwater Policy Committee Resolution

---

**SUMMARY OF REQUEST:**

To approve an intergovernmental resolution proposed by the Muskegon Area Municipal Storm Water Policy Committee. This committee recommends the attainment of the voluntary storm water permit and the formation of an intergovernmental technical committee to develop a plan to obtain this permit.

**FINANCIAL IMPACT:**

None.

**BUDGET ACTION REQUIRED:**

None.

**STAFF RECOMMENDATION:**

To approve the attached resolution.

**COMMITTEE RECOMMENDATION:**

CITY OF MUSKEGON

RESOLUTION NO. 2001-57(g)

A resolution to support the attainment of the Michigan Department of Environmental Quality Voluntary Phase II Storm Water Permit and directing the Muskegon Area Municipal Storm Water Policy Committee to establish a technical committee to develop a plan to secure such permit.

Muskegon Area Municipal  
Storm Water  
Policy Committee

RESOLUTION

WHEREAS, this Policy Committee has been charged with investigating requirements of EPA Stormwater Phase II permit process, and;

WHEREAS, the Committee has met collectively with representatives from the Michigan Department of Environmental Quality, MDEQ, and;

WHEREAS, there is unanimous consensus that there exists a public benefit in cooperative planning efforts, and;

WHEREAS, the MDEQ voluntary program provides an opportunity to demonstrate that a flexible, locally driven program will be effective in dealing with Phase II requirements;

NOW THEREFORE, BE IT RESOLVED that the County of Muskegon, Cities of Muskegon, Norton Shores, Roosevelt Park, and the Townships of Dalton, Fruitport, Laketon, Muskegon and Sullivan hereby recommend to their respective Commissions, Councils and Boards to:

- 1) Support a cooperative MDEQ voluntary permit based on watershed management, and
- (2) Direct the Policy Committee to establish a Technical Committee to develop the physical plan and financial needs necessary to implement an MDEQ voluntary plan that will comply with the EPA Stormwater Phase II requirements.

Upon vote for the adoption of the resolution, the vote was:

YEAS: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki,  
and Spataro

NAYS: None

CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, Clerk

Dated: 5-29-01

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on May 22, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

**Date: March 22, 2001**  
**To: Honorable Mayor and City Commissioners**  
**From: Community Relations Committee**  
**RE: Appointment to Downtown Development  
Authority/Brownfield Redevelopment Authority.**

---

SUMMARY OF REQUEST: To appoint Ben Bifoss of 297 Clay, Muskegon, Michigan, to the Downtown Development Authority/Brownfield Redevelopment Authority Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Appointment to the board.

## **DOWNTOWN DEVELOPMENT AUTHORITY/BROWNFIELD REDEVELOPMENT AUTHORITY BOARD**

### **PURPOSE**

To correct and prevent deterioration in the Downtown Development District, to encourage historic preservation, to create and implement development plans, to promote economic growth, and to acquire and dispose of interests in real and personal property, to levy and collect taxes, to issue bonds and use tax increment financing (TIF).

### **MECHANICS**

ENABLING LAW: Act 197, Public Acts of 1975 & City Code 2-121 – 2-134 – Oath required.  
APPOINTED BY: City Manager/City Commission  
MEETING: Third Tuesday of each month @ 4:00 P.M.  
City Hall - 2nd Floor Conference Room  
TERM: 4 Years

### **COMPOSITION**

| <u>TYPE</u> | <u>DESCRIPTION</u>                                              |
|-------------|-----------------------------------------------------------------|
| A           | 5 Members must have an interest in the property in the district |
| B           | 4 Citizens                                                      |
| C           | 1 Resident of the district                                      |
| D           | 1 City Manager                                                  |

### **CURRENT MEMBERS**

(Staff Liaison - Cathy Brubaker-Clarke)

| <u>TYPE</u> | <u>NAME</u>      | <u>ADDRESS</u>                  | <u>ZIP</u> | <u>PHONE</u> | <u>TERM EXP.</u> |
|-------------|------------------|---------------------------------|------------|--------------|------------------|
| A           | R. Ben Bifoss    | 297 Clay #202<br>1/31/03        | 49440      | 206-7105     | 1/31/03          |
| A           | Chip Sawyer      | 4602 Bluff Rd.<br>Whitehall, MI | 49461      | 894-4559     | 1/31/04          |
| A           | Eugene Fethke    | 71 W. Webster                   | 0          | 722-2375     | 1/31/05          |
| A           | Kevin Cierpial   | 8258 Holton Rd.<br>Holton, MI   | 49425      | 821-2677     | 1/31/05          |
| A           | Michael Balzic   | 1564 Hoyt                       | 2          | 724-6833     | 1/31/02          |
| B           | Rich Taylor      | 488 Marlane St.                 | 2          | 777-7222     | 1/31/03          |
| B           | David Medendorp  | 318 Houston                     | 1          | 755-6880     | 1/31/03          |
| B           | Kathy Jackson    | 1359 Amity Ave.                 | 2          | 777-1226     | 1/31/04          |
| B           | Paul E. Roy, Jr. | 1611 Oak                        | 2          | 724-6381     | 1/31/02          |
| C           | William Stone    | 523 W. Clay                     | 0          | 722-9953     | 1/31/02          |
| D           | Bryon Mazade     | 933 Terrace St.                 | 3          | 724-6724     |                  |

*A. Bendinger*

**CITY OF MUSKEGON  
TALENT BANK APPLICATION**

*Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.*

NAME: R. Ben Bifoss DATE: April 23, 2001

HOME ADDRESS: 297 Clay Avenue, Apt. #202, Muskegon, Michigan 49440  
(Street, City, State, Zip)

HOME PHONE #: 231-206-7105 WORK PHONE #: 231-722-6691

OCCUPATION: General Manager, West Michigan Dock & Market Corporation  
(If retired, give former occupation)

EDUCATION: Masters in Public Administration, 23 years experience in City Management  
including consolidated city-county management. Most recently 13 years as Manistee  
City Manager

PERSONAL & COMMUNITY ACTIVITIES: \_\_\_\_\_  
\_\_\_\_\_

INTEREST IN SERVING: Life long commitment to public service, specific interest in  
development, planning, downtown revitalization.

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

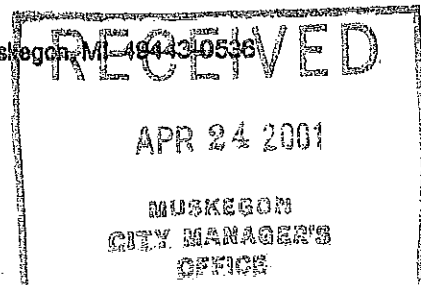
|                                                   |                     |
|---------------------------------------------------|---------------------|
| 1. <u>Manistee City Mayor, Richard Mack</u>       | <u>231-723-6830</u> |
| (Name)                                            | (Phone Number)      |
| 2. <u>Big Rapids City Manager, Steve Stilwell</u> | <u>231-592-4020</u> |
| (Name)                                            | (Phone Number)      |
| 3. <u>Manistee Chief of Police, David Bachman</u> | <u>231-723-2533</u> |
| (Name)                                            | (Phone Number)      |

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- |                                                                                     |                                                                          |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Board of Canvassers                                        | <input type="checkbox"/> Image Committee                                 |
| <input type="checkbox"/> Board of Review                                            | <input type="checkbox"/> Income Tax Board of Review                      |
| <input type="checkbox"/> Building Code Board of Appeals                             | <input type="checkbox"/> Land Reutilization Committee                    |
| <input type="checkbox"/> City Employees Pension Board                               | <input type="checkbox"/> Leisure Services Board                          |
| <input type="checkbox"/> Civil Service Commission                                   | <input type="checkbox"/> Loan Fund Advisory Committee                    |
| <input type="checkbox"/> CDBG-Citizen's District Council                            | <input checked="" type="checkbox"/> Local Develop. Finance Authority     |
| <input checked="" type="checkbox"/> Downtown Development Authority/Brownfield Board | <input type="checkbox"/> Local Officer's Compensation Com.               |
| <input type="checkbox"/> Election Commission                                        | <input type="checkbox"/> Mechanical Board of Examiners                   |
| <input type="checkbox"/> Electrical Board of Appeals                                | <input checked="" type="checkbox"/> Planning Commission                  |
| <input type="checkbox"/> Equal Opportunity Committee                                | <input type="checkbox"/> Plumbing Board of Appeals                       |
| <input type="checkbox"/> Historic District Commission                               | <input type="checkbox"/> Police/Fireman's Pension Board                  |
| <input type="checkbox"/> Hospital Finance Authority                                 | <input checked="" type="checkbox"/> Tax Increment Finance Authority      |
| <input type="checkbox"/> Housing Board of Appeals                                   | <input checked="" type="checkbox"/> Zoning Board of Appeals              |
| <input type="checkbox"/> Housing Commission                                         | <input checked="" type="checkbox"/> Other Housing Stock Review Committee |

\* Attach Additional Sheets or Resume if Desired.

Return this form to: City Manager's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI-49443-0536



**Date: May 22, 2001**  
**To: Honorable Mayor and City Commissioners**  
**From: Gail A. Kunding, City Clerk**  
**RE: Muskegon Carriage Company License Renewal**

---

SUMMARY OF REQUEST: To approve the request to renew the license for two (2) carriages for operation in the City of Muskegon for 2001-2002 licensing year. The carriages will be inspected by the Police Department and proper insurance will be submitted prior to issuance of the license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

APPLICATION FOR TAXICAB OPERATOR  
in the  
CITY OF MUSKEGON, MICHIGAN

Name of Company (d,b,a.) MUSKEGON CARRIAGE CO.

Address of Office 557 W. CLAY

Name & Residence of each person interested ) SCOTT SIERADSKI Age 43  
in or connected with the ) Age \_\_\_\_\_  
above, individual, firm or ) Age \_\_\_\_\_  
corporation. ) Age \_\_\_\_\_

Present Business of each person connected with the above application. OWNER

Give experience of applicant in taxicab business in this City or elsewhere. 12 YEARS ROUTE WORK IN DOWNTOWN

MUSKEGON & WEDDINGS/EVENTS THROUGHOUT W. MICHIGAN

Number of cabs applicant proposes to use (2)

Are there any unpaid or unbonded judgments of record against the applicant NO

Have any of the persons connected with the above as individual, firm or corporation been charged with or convicted of any crime or misdemeanor, if so, state date and Court. NO

Name of insurance company with which applicant is insured and amount of coverage. \_\_\_\_\_

Name of local agent or representative. \_\_\_\_\_

Is the above applicant the sole owner of all the automobiles proposed to be used? YES

State liens, mortgages or other encumbrances including conditional sales contracts on such taxicabs. NONE

Attached hereto is a list of the automobiles with name of make, body-style, year, serial and engine number, state license plate number, seating capacity, weight of car which is considered a part of this application.

The applicant's annual financial and profit and loss statements covering his operations during the last preceding fiscal year shall be attached to this application.

Signature Scott Sieradski

Subscribed and sworn to before me a Notary Public in and for Muskegon County, Michigan, this 10th day of May, 19 2001.

My commission expires 9-25-02

Linda S. Potter  
Notary Public

Application Approved \_\_\_\_\_

CAB NO. \_\_\_\_\_

TAXICAB INVENTORY CONTROL

LICENSE YEAR MAY 1, \_\_\_\_\_ TO APRIL 30, \_\_\_\_\_

\*\*\*\*\*  
\*\*\*\*\*

|                      |            |
|----------------------|------------|
| OPERATOR             |            |
| Cab Number           |            |
| Make                 | SHWARTZ    |
| Body Style           | VIS-A-VIS  |
| Year                 | 1995       |
| Serial Number        | -          |
| Engine Number        | -          |
| State License Number | -          |
| Seating Capacity     | (6)        |
| Weight               | 1500#s (?) |

\*\*\*\*\*

Inspected & Approved by \_\_\_\_\_ Date of Approval \_\_\_\_\_

Required under Section 23-29 (2) of Code of Ordinances--City  
of Muskegon

CAB NO. \_\_\_\_\_

TAXICAB INVENTORY CONTROL

LICENSE YEAR MAY 1, \_\_\_\_\_ TO APRIL 30, \_\_\_\_\_

\*\*\*\*\*  
\*\*\*\*\*

|                      |            |
|----------------------|------------|
| OPERATOR             |            |
| Cab Number           |            |
| Make                 | Vodier     |
| Body Style           |            |
| Year                 | Vis-A-Vis  |
| Serial Number        | 1970       |
| Engine Number        |            |
| State License Number |            |
| Seating Capacity     | (6)        |
| Weight               | 1500#s (?) |

\*\*\*\*\*

Inspected & Approved by \_\_\_\_\_ Date of Approval \_\_\_\_\_

Required under Section 23-29 (2) of Code of Ordinances--City  
of Muskegon

AGENDA ITEM NO. \_\_\_\_\_

CITY COMMISSION MEETING May 22, 2001

**TO:** Honorable Mayor and City Commissioners  
**FROM:** Bryon L. Mazade, City Manager  
**DATE:** May 8, 2001  
**RE:** Donation Request from Miss Michigan Scholarship Program

*Tabled*

**SUMMARY OF REQUEST:**

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

**FINANCIAL IMPACT:**

\$10,000.00

**BUDGET ACTION REQUIRED:**

Budget amendment would be required if request is approved.

**STAFF RECOMMENDATION:**

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

**COMMITTEE RECOMMENDATION:**

None.

*Miss Michigan*  
SCHOLARSHIP PROGRAM

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

missmichigan.org

April 25, 2001

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

Dear Mayor Nielsen,

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

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

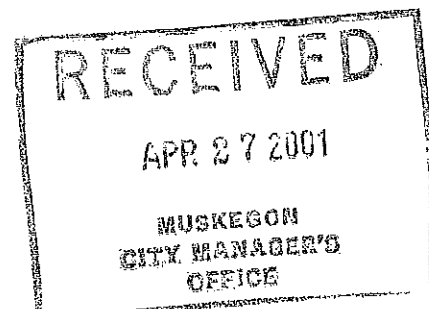
I would like the opportunity to meet with you, at your convenience, to discuss our request and more fully describe the Miss Michigan Scholarship Program. I will follow up, via phone, within the next week. Thank you in advance for your consideration.

Sincerely,

*Polly Doctor*

Polly Doctor  
State Executive Director

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



**DATE:** May 2, 2001

**TO:** Honorable Mayor, City Commissioners

**FROM:** Inspection Services Department

**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-89 Address: 747 Emerald, Muskegon MI

---

**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 747 Emerald is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-89 – 747 Emerald, Muskegon MI

Location and ownership: This single family dwelling is located on Emerald near Walton and is owned by Bank One Financial, previously owned by Virgil Badour.

Staff Correspondence: A dangerous building inspection report was conducted on 12/4/00. A Notice and Order to Repair or Remove a Structure was issued on 1/29/01. Notice of Hearing before the Housing Board of Appeals was sent on 3/20/01. Housing Board of Appeals Order to Demolish was issued 4/5/01.

Owner Contact: Mr. Badour contacted the office on 3/30/01 to inform staff that the bank had foreclosed on him and he no longer had ownership of the property. He also stated that the home was not fit for living and believed the structure should be demolished.

Financial Impact: CDBG

Budget action required: NONE

State Equalized value: \$5,500.00

Estimated cost to repair: \$18, 000.00

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

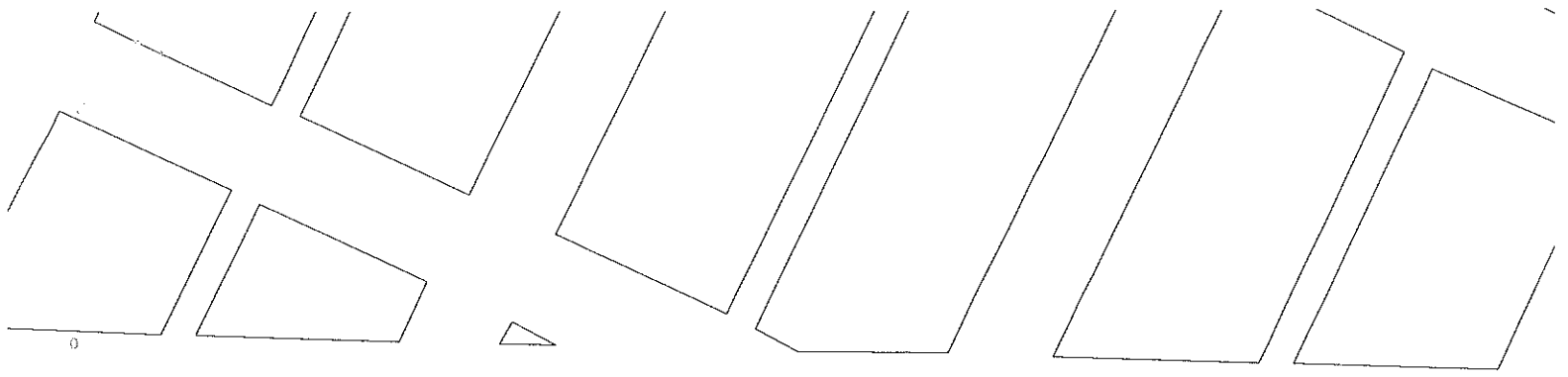
City Commission Recommendation: The Commission will consider this item at the meeting on May 22, 2001.

747 EMERALD

CENSUS # 3



11/28/00



EASTERN AV

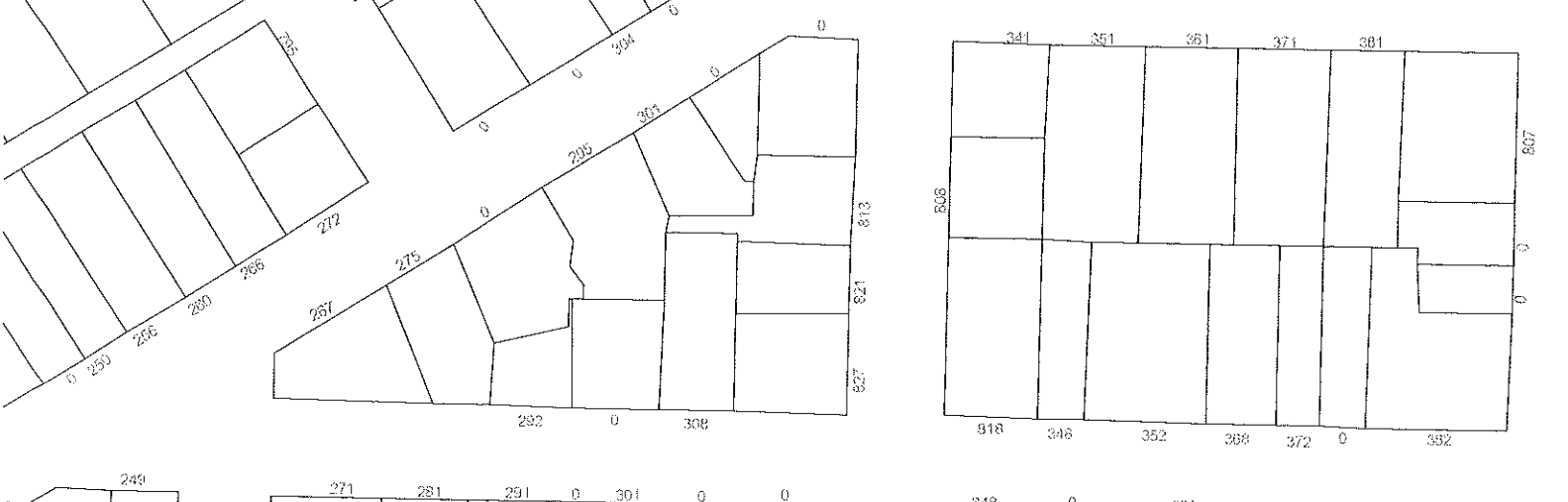
MARSH ST



EMERALD AV



RATHBORNE ST





MYRTLE AV

FORK ST

EMERALD AV

WILLIAMS ST

E WALTON AV

MURPHY ST

RATHBONE ST

EMERALD AV

MARSH ST

EASTERN AV

SEAWAY DR

GIDDINGS AV

SUMNER AV

OCTAVE

WOOD ST

SUMNER AV

SUMNER AV

File # 412909

## TRANSNATION TITLE INSURANCE COMPANY

### TAX REPORT

Affecting land in Muskegon County, Michigan  
Described as follows:

South ½ of Lot 1, Block 199, of the Revised Plat of 1903 of the City of Muskegon,  
according to the recorded Plat in Liber 3 of Plats, Page 71, Muskegon County Records

Permanent Property No.: 61-24-205-190-0001-10

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

### CITY OR VILLAGE TAXES

No 2000 City Tax

### STATE OR COUNTY TAXES

1999 County tax due in the amount of \$214.03 if paid by 12-31-00  
2000 Winter tax due in the amount of \$345.94 if paid by 2-14-01 (Said amount includes Delinquent Water/Sewer usage of \$169.87)

Delinquent Water/Sewer Usage due in the amount of \$58.00.  
City of Muskegon Invoices due in the amount of \$485.40.

State Equalized Value \$5,500.00  
Taxable Value \$4,890.00

NOTE: Homestead filed

NOTE: Invoices, Infractions, Special Assessments and Water bills have not been checked. Contact the City Treasurer for this information.

BY Diane M. Kroll  
Diane M. Kroll

DATE: November 17, 2000

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

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

Date: April 5, 2001

To: Bank One Financial, PO BOX 3457, Carmen IN 46082-3457  
Owners Name & Address

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

**ORDER TO DEMOLISH STRUCTURE**

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, April 5, 2001, does hereby order that the following structure(s) located at 747 Emerald., Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

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

## NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

  
Robert B. Grabinski, Fire Marshal/Inspections Dept

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

**NOTICE OF HEARING**

Date: March 20, 2001

Address of the Property: 747 Emerald Muskegon, Michigan

Description of the Structure: S ½ Lot 1 Block 199

TO: Virgil & Michelle Badour, 747 Emerald, Muskegon MI 49442  
[Name & Address of Owner]

Bank One Financial, PO Box 3457, Carmen IN 46082 - 3457  
[Names & Addresses of Other Interested Parties]

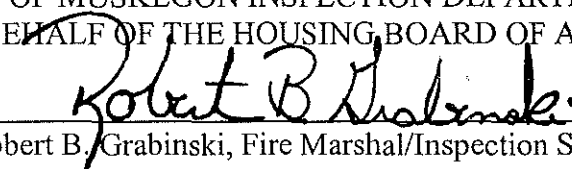
Please take notice that on Thursday, April 5, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on January 29, 2001.

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

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

By

  
Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON**

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

DATE: 1/29/01

Address of the Property: 747 Emerald, Muskegon, Michigan

Description of the Structure:

TO: Virgil & Michelle Badour, 747 Emerald, Muskegon MI 49442  
[Name & Address of Owner]

Bank One Financial, PO Box 3457, Carmen IN 46082-3457  
[Names & Addresses of Other Interested Parties]

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

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

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

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

## FAILURE TO COMPLY

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

## SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 747 Emerald, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(Please see the attached inspection report)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By

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

Dated:

1/29/01

CITY OF MUSKEGON

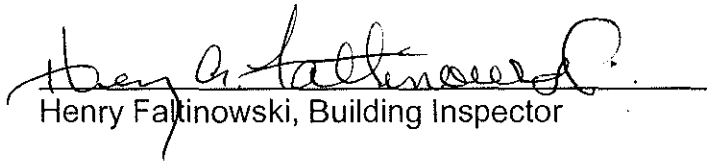
DANGEROUS BUILDING INSPECTION REPORT

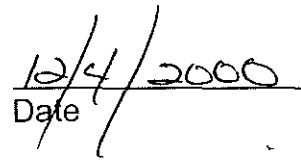
747 EMERALD

12/4/00

1. Front porch foundation wall severely cracked, missing block.
2. Siding rotting, missing, deteriorating and in contact with the ground.
3. Door frames and window frames are rotted.
4. Windows are broken out.
5. Interior wall damage, walls are stripped of drywall.
6. Interior ceiling damage, missing plaster.
7. Roof system problems.
  - A. Improper installation of shingles.
  - B. Improper flashing around side walls and vents.
  - C. Chimney stack repairs needed.
  - D. Rotted and/or missing fascia.
  - E. Sheathing and rafters exposed, need to inspect for further damage.
8. Interior inspection required by plumbing, mechanical, electrical and building inspectors before any necessary permits or certificate of occupancy will be issued.

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

  
Henry Faltinowski, Building Inspector

  
Date

**DATE:** May 3, 2001

**TO:** Honorable Mayor, City Commissioners

**FROM:** Inspection Services Department

**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-33 Address: 935 Jefferson, Muskegon MI

---

**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 935 Jefferson is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-33 – 935 Jefferson, Muskegon MI

**Location and ownership:** This commercial Building is located on Jefferson Street across from McDonalds. The owner is Ms. Bonna Hoople.

**Staff Correspondence:** A dangerous building inspection report was conducted on 3/22/00. A Notice and Order to Repair or Remove a Structure was issued on 3/28/00. Notice of Hearing before the Housing Board of Appeals was sent on 5/22/00. Housing Board of Appeals Order to table the case was issued 6/1/00. Notice of Hearing before the Housing of Appeals dated 8/4/00. Order to table for 30 days was issued on 8/24/00. Notice of Hearing sent on 9/25/00 for the 10/5/00 meeting before the Housing Board of Appeals. Fax from Laura Hammer and Huntington Bank providing proof of a loan to complete repairs. Proof that the case was removed from the October, 2000 meeting. Re-inspection report conducted on 2/22/01. Notice of hearing sent on 3/20/01 for the April 5, 2001 meeting. Order to demolish sent on 4/5/01. Work stopped on structure when contractor noted basement walls with severe deterioration requiring new wall construction. Rear of structure is boarded over with plywood. Several large openings into structure.

**Owner Contact:** Ms. Hoople has worked with staff to obtain the time to complete repairs however has failed to comply with the time limits set forth many times. The structure remains an eyesore and has generated many complaints.

**Financial Impact:** General

**Budget action required:** NONE

State Equalized value: \$17, 600.00

Estimated cost to repair: \$ 35, 000.00

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

City Commission Recommendation: The Commission will consider this item at the meeting on May 22, 2001.





## TRANSNATION TITLE INSURANCE COMPANY

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

The Northerly 44 1/2 feet of the Easterly 94 feet of Lot 8 of Block 332 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-332-0008-00

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

#### CITY OR VILLAGE TAXES

No 1999 Summer taxes.

#### STATE AND COUNTY TAXES

1999 Winter taxes are paid in the amount of \$905.54.

#### SPECIAL ASSESSMENTS

Special Assessments, invoices and infractions were not checked.

#### TAX SALES

State Equalized Value \$17,600.00.  
Taxable Value \$16,694.00.

NOTE: No Homestead filed.

By

  
Janet M. Sabourin

Date - March 10, 2000 at 8:00 AM

JMS/jat

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

616/724-6703  
FAX/724-6790

Assessor  
616/724-6708  
FAX/724-6768

Cemetery  
616/724-6783  
FAX/722-4188

Civil Service  
616/724-6716  
FAX/724-6790

Clerk  
616/724-6705  
FAX/724-6768

Comm. & Neigh.  
Services  
616/724-6717  
FAX/724-6790

Engineering  
616/724-6707  
FAX/724-6790

Finance  
616/724-6713  
FAX/724-6768

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

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

Info. Systems  
616/724-6975  
FAX/724-6768

Leisure Service  
616/724-6704  
FAX/724-6790

Manager's Office  
616/724-6724  
FAX/724-6790

Mayor's Office  
616/724-6701  
FAX/724-6790

Neigh. & Const.  
Services  
616/724-6715  
FAX/724-6790

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

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

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

Treasurer  
616/724-6720  
FAX/724-6768

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

Water Filtration  
616/724-4106  
FAX/722-5290



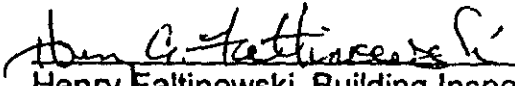
## DANGEROUS BUILDING INSPECTIONS REPORT

935 Jefferson  
3/22/00

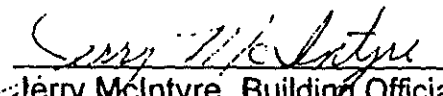
### Inspection noted:

1. Foundation wall deteriorating in need of repair (structural).
2. Rotting sill plate in joist structural repair needed.
3. Missing, rotting siding.
4. Roof system on home in need of repair.
5. Front and back porches rotting. Close to state of collapse.
6. Broken out windows.

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

  
Henry Faltinowski, Building Inspector

3/28/2000  
Date

CONCURRED IN:   
Jerry McIntyre, Building Official

3-28-0  
Date

Affirmative Action  
616/724-6703  
FAX/724-6790

Assessor  
616/724-6708  
FAX/724-6768

Cemetery  
616/724-6783  
FAX/722-4188

Civil Service  
616/724-6716  
FAX/724-6790

Clerk  
616/724-6705  
FAX/724-6768

Comm. & Neigh.  
Services  
616/724-6717  
FAX/724-6790

Engineering  
616/724-6707  
FAX/724-6790

Finance  
616/724-6713  
FAX/724-6768

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

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

Info. Systems  
616/724-6775  
FAX/724-6768

Leisure Service  
616/724-6704  
FAX/724-6790

Manager's Office  
616/724-6724  
FAX/724-6790

Mayor's Office  
616/724-6701  
FAX/724-6790

Neigh. & Const.  
Services  
616/724-6715  
FAX/724-6790

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

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

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

Treasurer  
616/724-6720  
FAX/724-6768

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

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

# MUSKEGON



West Michigan's Shoreline City

April 24, 2000

Nancy Ellen Hoople, Daniel Andrew Hoople  
Douglas Chandler Hoople, Bonna M. Hoople  
135 California Ave.  
Muskegon MI 49445

RE: 935 Jefferson St., Muskegon MI  
Northernly 44 ½ Feet of Easterly 94 Feet Lot 8 Block 332

To Whom It May Concern:

It has been brought to our attention that the above property may be of interest to you. This is to inform you that the structures located at the above property has been put on our Dangerous Building list. Please see the enclosed Notice and Order that was sent out on 3/28/00. Also enclosed is the inspection report with the code violations that are dated 3/22/00.

This property will be going before the Housing Board of Appeals June 1, 2000. The board will determine if this property should be declared substandard, unsafe, a public nuisance and forward the case to the City of Muskegon Commission Committee for concurrence with the decision to demolish the structures.

Please feel free to call (231) 724-6715 with any questions or concerns.

Sincerely yours,

A handwritten signature in black ink that reads "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized 'R'.

Robert B Grabinski  
Fire Marshal/Inspection Services

Affirmative Action  
231 724-6703  
FAX 722-1214

Assessor  
231 724-6708  
FAX 726-5181

Cemetery  
231/724-6783  
FAX/726-5617

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

Clerk  
231/724-6705  
FAX/724-4178

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

Engineering  
231/724-6707  
FAX/727-6904

Finance  
231/724-6713  
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer  
231/724-6720  
FAX/724-6768

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

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

# MUSKEGON



West Michigan's Shoreline City

File

## CITY OF MUSKEGON

### NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: May 22, 2000

Nancy Ellen Hoople, Daniel Andrew Hoople  
Douglas Chandler Hoople, Bonna M. Hoople  
135 California Ave.  
Muskegon MI 49445

Mr. Donald Hoople  
760 Eugene  
Muskegon MI 49441

SUBJECT: Dangerous Building Case # 00-33 – 935 Jefferson., Muskegon, MI

**PLEASE TAKE NOTICE** that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, June 1, 2000** at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services  
CITY OF MUSKEGON

**#00-33 – 935 JEFFERSON – BONNA HOOPLE, 760 EUGENE, MUSKEGON MI**

Mrs. Bonna Hoople attended the meeting. She stated that her late husband, Donald Hoople passed away in Jan of 1992 and left the property to her. This is commercial property. She has been trying to sell it with no luck. She had been through three different real-estate agencies that did absolutely nothing and now has a new agent with the hopes of selling it soon. The real-estate agent, Laura Hammer with Remax of Muskegon attended the meeting with Mrs. Hoople. Laura stated that Mrs. Hoople would like an extension of 30 days so they could find out what is happening with the other commercial properties on the block. The property is currently actively for sale.

Bob Grabinski recommended that the board extend for 30 days because Laura and Mrs. Hoople have been cooperative and have been working with the inspections department.

John Warner, supported by Randy Mackie, made a motion to extend 30 days and review the case on 8/6/00. A roll call vote was taken.

AYES:

Greg Borgman  
John Warner  
Jerry Bever  
Randy Mackie  
The motion Carried.

NAYES:

ABSENT:

Clinton Todd

EXCUSED:

Fred Nielsen  
William Anderson

**#00-31 – 477 E APPLE – Phyllis Barte, present address unknown  
Robert A Tremain & Associates, Birmingham MI**

No one attended the meeting to represent this case. Mr. Grabinski informed the board that this home was located 2 houses away from 501 E Apple and is one of three dangerous buildings in a row on this street. Bob stated that it was the staff's recommendation to declare this building substandard, unsafe, a public nuisance and to forward to the city commission for concurrence.

Randy Mackie, Supported by John Warner, made a motion to accept Staff's recommendation and forward to the city commission for concurrence. A roll call vote was taken.

AYES:

Greg Borgman  
John Warner  
Randy Mackie  
Jerry Bever  
The motion carried.

NAYES:

EXCUSED:

Fred Nielsen  
William Anderson

ABSENT:

Clinton Todd

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

Assessor  
231/724-6708  
FAX/726-5181

Cemetery  
231/724-6783  
FAX/726-5617

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

Clerk  
231/724-6705  
FAX/724-4178

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

Engineering  
231/724-6707  
FAX/727-6904

Finance  
231/724-6713  
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer  
231/724-6720  
FAX/724-6768

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

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



FILE

## MUSKEGON HOUSING BOARD OF APPEALS

June 5, 2000

Ms. Bonna Hoople  
760 Eugene  
Muskegon MI 49441

Dear Property Owner:

Subject: Dangerous Building Case #00-33- 935 Jefferson, Muskegon MI

### FINDING OF FACTS & ORDER

At the June 1, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to **grant** Case #00-34 - 939 Jefferson 30 days to complete all repairs. If repairs are made and final inspections are completed within the agreed upon timetable (**by July 1, 2000**) you will not have to come back to the Housing Board of Appeals. If repairs are not complete and an inspection has not been scheduled, this case will be heard before the Board again on August 3, 2000.

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

Sincerely,

Robert Grabinski  
Fire Marshal/Inspection Services

Affirmative Action

616/724-6703  
FAX/724-6790

Assessor

616/724-6708  
FAX/724-6768

Cemetery

616/724-6783  
FAX/722-4188

Civil Service

616/724-6716  
FAX/724-6790

Clerk

616/724-6705  
FAX/724-6768

Comm. & Neigh.  
Services

616/724-6717  
FAX/724-6790

Engineering

616/724-6707  
FAX/724-6790

Finance

616/724-6713  
FAX/724-6768

Fire Dept.

616/724-6792  
FAX/724-6985

Income Tax

616/724-6770  
FAX/724-6768

Info. Systems

616/724-6975  
FAX/724-6768

Leisure Service

616/724-6704  
FAX/724-6790

Manager's Office

616/724-6724  
FAX/724-6790

Mayor's Office

616/724-6701  
FAX/724-6790

Neigh. & Const.  
Services

616/724-6715  
FAX/724-6790

Planning/Zoning

616/724-6702  
FAX/724-6790

Police Dept.

616/724-6750  
FAX/722-5140

Public Works

616/724-4100  
FAX/722-4188

Treasurer

616/724-6720  
FAX/724-6768

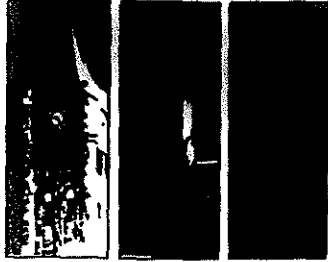
Water Dept.

616/724-6718  
FAX/724-6768

Water Filtration

616/724-4106  
FAX/755-5290

# MUSKEGON



West Michigan's Shoreline City

FILE COPY

## CITY OF MUSKEGON

### NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

August 4, 2000

Bonna Hoople  
760 Eugene  
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #: 00-33 – 935 Jefferson, Muskegon MI

**PLEASE TAKE NOTICE** that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, August 17, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services  
City of Muskegon

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

Assessor  
231/724-6708  
FAX/726-5181

Cemetery  
231/724-6783  
FAX/726-5617

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

Clerk  
231/724-6705  
FAX/724-4178

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

Engineering  
231/724-6707  
FAX/727-6904

Finance  
231/724-6713  
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer  
231/724-6720  
FAX/724-6768

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

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

# MUSKEGON



## MUSKEGON HOUSING BOARD OF APPEALS

August 24, 2000

Bonna Hoople  
760 Eugene  
Muskegon MI 49442

Dear Property Owner:

Subject: Dangerous Building Case #00-33-935 Jefferson, Muskegon MI.

### FINDING OF FACTS & ORDER

At the August 17, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to **GRANT** Case #00-33 - 935 Jefferson, **30 days to complete all repairs.** If repairs are made and final inspections are completed within the agreed upon timetable (**by September 17, 2000**) you will not have to come back to the Housing Board of Appeals. If repairs are not complete and all appropriate inspections have not been scheduled, this case will be heard before the Board again on October 5, 2000.

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

Sincerely,

Robert Grabinski  
Fire Marshal/Inspection Services

**#00-33 – 935 JEFFERSON – Bonna Hoople, 760 Eugene, Muskegon, MI.**

Grabinski reminded the Board that they tabled this case for 30 days at the June, 2000 meeting to allow time for completion of repairs and/or sale of property. There has been no change in ownership and no progress made on repairs.

Mrs. Hoople attended the meeting with her Real-estate Agent. The agent stated that the property is still marketed for sale at \$15,000.00. An interested buyer is on vacation out of town right now and the Agent wasn't sure when she would talk with him again. Ms. Hoople's daughter was speaking with the Agent regarding renovating the building and renting it out. The agent and Mrs. Hoople requested more time to come up with a buyer.

Some discussion took place regarding the proceedings if the Board moved to condemn it would be forwarded to the city commission in 30 days.

Mr. Mayor made a motion, supported by John Warner, to table the case for 6 weeks to give time for a buyer of the property. The case will be reviewed at the 10/5/2000 meeting.

A roll call vote was taken:

**AYES:**

Greg Borgman  
John Warner  
Fred Neilsen  
Randy Mackie  
Jerry Bever

**NAYS:****ABSENT:**

Clint Todd

**EXCUSED:**

Rev., William Anderson

The motion Carried.

Board member Clint Todd entered the meeting at 6:00 P.M.

~~**#00-12 – 1688 TERRACE ST. – Morray Vanderstelt – 1459 Terrace, Muskegon MI.**~~~~Grabinski reminded the Board that the case was tabled for 30 days at the January, 2000 meeting. A work schedule was submitted and repairs were to be completed by 7/21/00.~~~~Mr. Vanderstelt attended the meeting and stated that he had all the materials in the house. Tried to have it done on 7/21/00 but had a tough time getting financed for the materials. The house is secure and yard is cleaned up. He requested 30 – 60 days to complete repairs.~~

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

Assessor  
231/724-6708  
FAX/726-5181

Cemetery  
231/724-6783  
FAX/726-5617

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

Clerk  
231/724-6705  
FAX/724-4178

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

Engineering  
231/724-6707  
FAX/727-6904

Finance  
231/724-6713  
FAX/724-6768

Fire Dept.  
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FAX/724-6985

Income Tax  
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FAX/724-6768

Info. Systems  
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FAX/722-4301

Leisure Service  
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FAX/724-1196

Manager's Office  
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FAX/722-1214

Mayor's Office  
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FAX/722-1214

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

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

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

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

Treasurer  
231/724-6720  
FAX/724-6768

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

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

# MUSKEGON



West Michigan's Shoreline City

FILE COPY

## CITY OF MUSKEGON

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

September 25, 2000

Bonna Hoople  
760 Eugene  
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #00-33 – 935 Jefferson Ave., Muskegon MI

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

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

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

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

Inspection Services  
City of Muskegon

## FAX COVER SHEET

Re/Max of Muskegon Inc.  
 Laura Hammer  
 550 W. Norton  
 Muskegon, MI 49444  
 Phone (231) 733 - 1238 ex.225  
 Fax (231) 733 - 0641  
 E-mail hammerl5@aol.com



**RE/MAX**  
 of Muskegon  
 Independently Owned and Operated

Laura Hammer  
 REALTOR®



|                               |                                            |
|-------------------------------|--------------------------------------------|
| <b>SEND TO</b>                | <b>From</b>                                |
| Company name<br>BOB GRABINSKI | Laura Hammer                               |
| Attention                     | Date                                       |
| Office location               | Office location<br>Re/Max of Muskegon Inc. |
| Fax number<br>231-734-0692    | Phone number<br>231 - 733 - 1236 ex 225    |

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: \_\_\_\_\_

## COMMENTS

Re 935 Jefferson-

Seller is Repairing -  
 BSF Construction to do work  
 - basic bid attached

ARTOR is BIDDING FURNACE

PLUMBING & ELECTRICAL GOT TO COME

BUT NOT ON YOUR STREET

AMORTIZATION STATEMENTS OF LOAN BEING  
 TAXES SEPARATE

PERMITS PULLED TO DAY 9/29/00

WORK TO COMMENCE 9/30/00 - Roof, siding  
 porch, STRUCTURE FIRST -

3200 Tear-off & Recept  
 1500 Underlay ?  
 3800 - Tearoff slate underlay, Siding  
 1367- Alum Soffit & Fascia  
 3500- 17 windows & Alum Wrap.  
 1200 - Remove & Patch 2 Rooms, 1 Porch  
 1300- 2 exterior Doors & 2 porches  
 1500- Rear Entry System, Gable Point  


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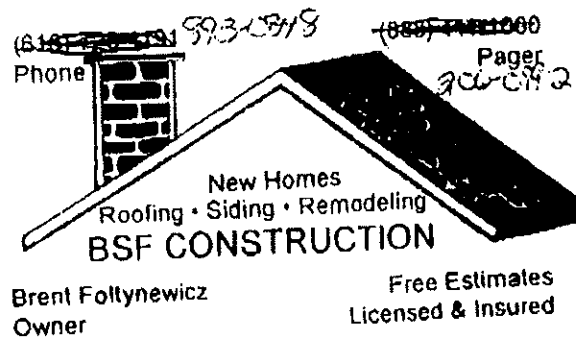
 17,367

4270 - Carpet & Linole 248 yds Approx  
 450 - Replace Ceiling Tiles  
 300 - Replace Upstairs Cabinet  
 2600 - Repair & Paint Walls  


---

 7620

PLUS FURNACE, PLUMB & ELECTRICAL



**HUNTINGTON BANKS - LAKE TON OFFICE**

43 W. LAKE TON  
MUSKEGON, MI 49441  
231-725-0202  
FAX: 231-722-8347

*File*

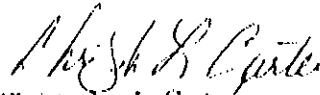
October 2, 2000

Bob Grabinski  
993 Terrace St.  
Muskegon, MI 49440

Dear Bob:

This letter is regarding Bonnie Hoople who has rental property in the City of Muskegon. This property is commercial property, she has received notice that some repairs are necessary to the property or some action may be taken. We have approved a loan for Ms. Hoople to use to remodel the property, I am waiting for the final paper work to go through and we can close the loan. If you have any further questions regarding this matter please feel free to call me at 231-725-0202.

Thank you,



Christopher L. Carter  
Banking Office Manager

City of Muskegon  
Housing Board of Appeals  
Meeting Minutes  
10/5/00

**ATTENDANCE:** Chairman, Greg Borgman; Vice-Chair, Fred Nielsen; Firs  
Chairman, John Warner; Randy Mackie; Jerry Bever

**ABSENT:** Clinton Todd

**EXCUSED:** Reverend, William Anderson

**STAFF:** Robert Grabinski, Henry Faltinowski, Don Labrenz II, Cathy  
Everett, and Community Officer Kevin Stier

**GUESTS:** Reverend, James Duncan Jr., Conrad Devries, Chris Duzan,  
Lorrie Ornelas, Kimberly Nash, Larry & Brenda Davis, David  
Vankammen, and Guadalupe Loera

Chairman Greg Borgman brought the meeting to order at 5:30 P.M.

Randy Mackie, supported by John Warner, made a motion to approve the  
Minutes for the September 7, 2000 meeting. The motion carried.

Chairman Greg Borgman asked Robert Grabinski to explain why a few of the  
cases had been removed from the agenda. Grabinski stated that the items were  
pulled due to work being started on the homes. A history of each item is listed:

Item #1 on the agenda for tonight's meeting was removed for 30 days to  
give time to complete repairs.

Item #3 was removed to allow 30 more days for completion of repairs.

Item #6 was put on the agenda by mistake. It was not to come back again  
for 120 days from the 7/6/00 meeting.

Item #7 was removed due to repairs being done and progress being made.

Item #11 was removed due to permits being obtained and work had been  
started.

The Board members thanked Robert Grabinski for the history and asked if there  
were any cases that staff would like to take out of order of the agenda. Grabinski  
stated that to appease the audience, Staff would like the board to hear the cases  
of those in the audience first, taking them as they signed in on the attendance  
sheet. The Board members agreed.

Mayor Nielsen, Vice-Chairman, walked into the room at 5:45 P.M.

Remove  
Pulled  
Permit

935 JEFFERSON AVE. – Bonna Hoople – 760 Eugene Muskegon MI  
On 8/17/00 HBA tabled for 30 days. Repairs have not been completed. Our records do not indicate a sale of any kind.

1309 SIXTH ST. – Sterling Bank & Trust – One Towne Sq. 17<sup>th</sup> Fl. Southfield  
Has been through system since 6/99. Bob Parker was the last known contact for this property and he was working on the repairs. Haven't heard from him since 5/3/00.

9. 578 W. WEBSTER – Christopher Roger – 817 N 3<sup>rd</sup> Ave. Maywood IL  
Kimberly Nash – 1448 Beach St. Muskegon 49441  
On 8/17/00 HBA tabled 30 days. No progress has been noted.

NEW CASES:

10. 165 W CLAY AVE. – LORRIE ORNELAS – 165 W Clay Muskegon 49440-1212  
N&O was sent 8/1/00. There has been no contact with the owner and no change in the property since then.
11. 1651 DYSON ST. – David/Rachela Izaguirre – 1651 Dyson Muskegon  
N&O was sent 7/10/00. Marshal Redder pulled a permit on 6/9/00. No progress has been noted.
12. 1698 DYSON ST. – Express Investments – 21 Arthur St., Marne MI 49435  
Previously owned by Mr. John Brandel, A Notice & Order was sent on 4/5/00. Mr. Bob Parker pulled a permit 4/17/00. There has been no contact with Mr. Parker since 5/3/00 when he came in to get a copy of the inspection reports for building and plumbing.
13. 1541 EIGHTH ST. – Daryll Lesia Jefferson – 1252 Adams, Muskegon 49442  
A Notice & Order was sent on 8/18/00. No progress on repairs has been noted and no contact from the owner.
14. 2086 ESTES ST. – David Vankammen – 2086 Estes St., Muskegon MI 49441  
Notice & Order was sent on 8/1/00. No progress on repairs has been noted.
15. 1087 W. GRAND AVE. – Larry/Brenda Davis – PO BOX 63 – 49443-0063  
Notice & Order was sent on 8/18/00. No progress has been noted.
16. 1457 SEVENTH ST. – ED Houghtaling – 2345 Dowd, Musk 49441  
Notice & Order was sent on 8/18/00. No progress on repairs has been noted.
17. 1783 SMITH ST. – William Bailey – 4155 Nob Hill Dr. Muskegon.  
Notice & Order was sent on 8/18/00. No progress has been noted.
18. 1213 FRANCES AVE. – Clara Welch & Charles Messer – 1213 Francis  
Notice & Order was sent on 8/18/00. No progress on repairs has been noted.
19. 314 GRAND AVE. – Equivest Limited Partnership-PO Box 4010 E Lansing  
Duane Kandelac, 314 W Grand Ave. Muskegon  
Notice & order was sent on 8/18/00. No progress on repairs has been noted.
20. 1916 LEAHY – Revival Temple Church, 1916 Leahy, Muskegon  
N&O was sent out on 8/18/00. No progress on repairs has been noted at this time.

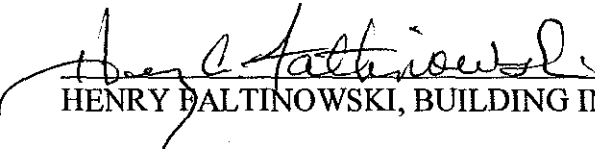
**CITY OF MUSKEGON  
DANGEROUS BUILDING INSPECTION REPORT**

**935 JEFFERSON  
RE-INSPECTION  
2/22/01**

Inspection noted:

1. No progress in a couple of months.
2. Interior inspection required by the City of Muskegon's Trade Inspectors.  
(Plumbing, Mechanical, Electrical and Building)
3. Exterior conditions deteriorating, exposed lath, siding.
4. Foundation in need of replacement.

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

  
HENRY BALTINOWSKI, BUILDING INSPECTOR

2/27/2001  
DATE

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

**NOTICE OF HEARING**

Date: March 20, 2001

Address of the Property: 935 Jefferson, Muskegon, Michigan

Description of the Structure: Northernly 44 1/ feet of Easterly 94 feet, Lot 8 Block 332

TO: Bonna Hoople, 760 Eugene, Muskegon MI 49441  
[Name & Address of Owner]

None Known at this time  
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, April 5, 20 01, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the finding of facts issued by the City of Muskegon Building Inspection Department on August 24, 2000.

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

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

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

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

Date: April 5, 2001

To: Bonna Hoople, 760 Eugene, Muskegon MI 49441

Owners Name & Address

None known at this time

Name & Address of other interested parties

**ORDER TO DEMOLISH STRUCTURE**

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, April 5, 2001, does hereby order that the following structure(s) located at 935 Jefferson, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

All structures located on the Northernly 44 ½ feet of the Easterly 94 feet of Lot 8, Block 332

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

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

## NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

  
Robert B. Grabinski, Fire Marshal/Inspections Dept

HOUSING BOARD OF APPEALS  
MEETING MINUTES

4/01/01

ATTENDANCE: Greg Borgman, John Warner, Fred Nielsen, Randy Mackie, Jerry Bever and Nick Kroes, Clint Todd, Late.

ABSENTEES:

STAFF: Robert Grabinski, Don LaBrenz, Henry Faltinowski and Cathy Everett

GUESTS: Annetta Wilkes Banks, 438 Amity  
Tressa Bankhead, 428 Marquette  
Bonna Hoople, 935 Jefferson

Meeting minutes: John Warner made a motion, seconded by Randy Mackie to approve the minutes to the April meeting. The motion carried.

**Case # 00-48 – 1651 Dyson, Marshal Redder, 3960 30<sup>th</sup> St., SW Grandville MI 49418.** Mr. Secretary, Robert B. Grabinski, asked the Chairman to remove the case from the agenda due to progress being made. Inspectors will monitor the case. The Board agreed.

**Case # 00-33 – 935 Jefferson, Bonna Hoople, 760 Eugene, Muskegon MI 49441.** Ms. Hoople did attend the meeting. Mr. Grabinski informed the Board that some pictures of the dwelling in this case are being presented by way of a projector and are being shown on the wall of the Chambers. The pictures were taken the morning of the meeting date. (4/5/01).

Staff History: Grabinski informed the board that the case was started in March of 2000. Mrs. Hoople pulled a permit in September and work did start on the property. The owner did get a loan. Once the structure work was going to be started, the contractor found the structure was in very poor condition and in need of replacement at the point that that happened it was in conjunctive with the electrical service that was going out of the building. There has been no work done since then. Pictures of the dwelling were displayed by projector. Mrs. Hoople was asked to approach the Board at the podium.

Owner explanation: Ms. Hoople was in attendance and approached the podium. She explained to the board that she hadn't been working on the project due to her daughter being in the hospital. Ms. Hoople was apologizing for the work. Mr. Grabinski reminded Ms. Hoople that the contractor is responsible for his own work and that is why a permit is pulled. However, staff would like to be clear that her contractor quit because of the foundation structure and the cost of it.

Ms. Hoople was explaining to the board that she wanted to fix the foundation. Mr. Borgman said that his concern was the foundation. He asked how Ms. Hoople was going to do this. He said if your foundation is bad, you can put all the money you want into it but it won't pass inspection. The only way to fix it is to remove it and put a whole new foundation in. Ms. Hoople stated again that she had a contractor to do the work. Mr. Borgman disagreed and reminded Ms. Hoople that the contractor told staff that he would no longer work on the project because it was a lost cause. Ms. Hoople stated that the contractor never told her that he was not continuing work and she has paid him money. Mr. Grabinski stated that from staff's prospective part of the problem is that you were one of two in the neighborhood that were brought before this board and the other one that is next door to you is complete. We have received complaints from that owner and from other businesses in the downtown area due to what they see when they pull up.

Staff Recommendation: Due to the condition of the foundation, staff suggests declaring the structure a dangerous building, unsafe, a public nuisance and forward the case to the city commission for concurrence.

Discussion: Mr. Fred Nielsen asked Ms. Hoople if he heard her say that she had a contractor that is interested in repairing the foundation. She said yes. Mr. Nielsen asked if she has made appointments with him. Ms. Hoople replied that he was supposed to call her. Grabinski reminded Board that with the board declaring the structure a dangerous building, she still has 30 days for repairs to be completed. If in the 30 days the repairs are not completed, the case will go before the City Commission.

Motion: Randy Mackie, supported by John Warner, made a motion to declare the structure at 935 Jefferson dangerous, substandard, unsafe, a public nuisance and forward to the City Commission for Concurrence.

A Roll Call vote was taken:

AYES:

Greg Borgman  
John Warner  
Fred Nielsen  
Randy Mackie  
Clint Todd  
Jerry Bever  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The Motion Carried.

**DATE:** May 3, 2001

**TO:** Honorable Mayor, City Commissioners

**FROM:** Inspection Services Department

**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-002 Address: 238 Strong, Muskegon MI

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**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 238 Strong is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-002 – 238 Strong, Muskegon MI

Location and ownership: This one unit rental dwelling is located on Strong near Fifth Street. The owner is Mortgage Corporation of America.

Staff Correspondence: A dangerous building inspection report dated 1/31/01. Notice and Order to Repair or Remove a structure dated 2/15/01. Notice of Hearing dated 3/20/01. Order to Demolish dated 4/10/01. HBA Minutes dated 4/1/01. Fire Marshal entered structure through open back door. Noted structure being used for drug & sexual activity.

Owner Contact: None

Financial Impact: CDBG

Budget action required: NONE

State Equalized value: \$ 9, 900.00

Estimated cost to repair: 18, 000.00

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

City Commission Recommendation: The Commission will consider this item at the meeting on May 22, 2001.

238 Strong

Census # 6.02



1/23/01





# Harbor Title

955 West Broadway  
Muskegon, MI 49441

238 STRONG

## Title Search

Case No.: 100119334  
February 2, 2001

1. Beginning Date: 10/31/97, at 8:00 A.M.

Please See Attached Liber 2034, Page 951, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 1/17/2001, at 8:00 A.M.

| Deeds:               | Documents                              | Mortgages: |
|----------------------|----------------------------------------|------------|
| Liber 2034, Page 951 | Miscellaneous:<br>Liber 2194, Page 289 | NONE       |

### **Taxes:**

Proof of payment of special assessment for Sidewalk, due and payable in the amount of \$927.50. (Estimated Payoff).

Proof of payment of the Invoice Charges due and payable to the City of Muskegon in the amount of \$781.65.\*SEE ATTACHED LIST OF CHARGES.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,007.71, if paid by February 28, 2001.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$678.81, if paid by February 28, 2001.

Payment of the 2000 Winter taxes, due and payable to the City of Muskegon Treasurer in the amount of \$580.78, if paid by February 14, 2001. (Base amount Winter taxes - \$487.99\*\*)

### **Note:**

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-391-0011-10.

2000 State Equalized Value: \$9,900.00.

2000 Taxable Value: \$9,006.00.

Non-Homestead Property.

**\*\*NOTE:** A Delinquent Water/Sewer Usage Bill in the amount of \$92.79 was included in the 2000 Winter tax bill.

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

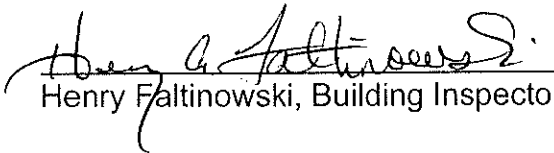
**CITY OF MUSKEGON  
DANGEROUS BUILDING INSPECTION REPORT**

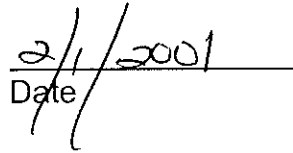
**238 STRONG  
1/31/01**

Inspection Noted:

1. Foundation wall has cracked mortar joints.
2. Siding on home is rotting and/or missing.
3. Broken out windows.
4. Home is open and not secured.
5. Vents and screens are falling off of structure.
6. Home is in need of protective covering on exterior; paint is peeling off of home.
7. Garage roof is in need of structural repair. Sheathing and roof covering is failing.
8. Siding on garage is rotting.
9. Garage doors are in need of replacement and/or repair.
10. Graffiti is on the garage.
11. Interior inspection is required this is to be done by the City trade inspectors for plumbing, mechanical, electrical and building please call to schedule.

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

  
Henry Faltinowski, Building Inspector

  
Date

CITY OF MUSKEGON

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

DATE: 2/15/01

Address of the Property: 238 Strong, Muskegon, Michigan

Description of the Structure: The East 1/2 of Lot 11, Block 391

TO: Mortgage Corporation of America, A Michigan Corporation, 23999 Northwestern Hwy,  
102, Southfield MI 48075  
[Name & Address of Owner]

None known at this time.  
[Names of Other Interested Parties]

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

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

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

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

### FAILURE TO COMPLY

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

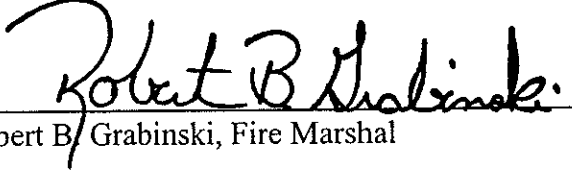
### SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **238 Strong Ave.**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By

  
Robert B. Grabinski, Fire Marshal

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

**NOTICE OF HEARING**

Date: March 20, 2001

Address of the Property: 238 Strong, Muskegon, Michigan

Description of the Structure: E ½ Lot 11 Blk 391

TO: Mortgage Corp of America, 23999 Northwestern HWY 102, Southfield MI, 48075  
[Name & Address of Owner]

None Known at this time  
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, April 5, 20 01, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on March 1, 2001.

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

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

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

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

Date: April 10, 2001

To: Mortgage Corp of America, 23999 Northwestern HWY 102, Southfield MI,  
48075

Owners Name & Address

None Known at this time

Name & Address of other interested parties

**ORDER TO DEMOLISH STRUCTURE**

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, April 5, 2001, does hereby order that the following structure(s) located at 238 Strong, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

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

## NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

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

Robert B. Grabinski, Fire Marshal/Inspections Dept

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman  
John Warner  
Fred Nielsen  
Randy Mackie  
Clint Todd  
Jerry Bever  
Nick Kroes

The Motion Carried.

**Case # 00-98 – 391 Orchard – Hilda Robinson, 2244 Fifth Street, Muskegon MI 49444**

History: In November of 2000 the dangerous building process had begun. The City boarded the property due to the door being kicked in. Grabinski displayed pictures of the property that were taken on Tuesday, April 3, 2001. Owner has not contacted staff and was not in attendance.

Staff recommendation: To declare the building substandard, unsafe, a public nuisance and forward to the city commission for concurrence.

Motion: John Warner, supported by Jerry Bever, made a motion to declare the building substandard, unsafe, a public nuisance and forward to the city commission for concurrence.

A Roll Call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman  
John Warner  
Fred Nielsen  
Randy Mackie  
Clint Todd  
Jerry Bever  
Nick Kroes

The Motion Carried.

**Case # 01-002 – 238 Strong, Mortgage Corp of America, 23999, Northwester HWY 102, Southfield MI 48075**

History: Became a dangerous building 1/31/01. A notice and order was sent on 2/15/01. Mortgage Corp of America is Bankrupt. No permits were applied for and no contact from the owner. Grabinski displayed pictures of the property taken on 4/3/01. Property is full of trash, home is opened. Interior had evidence

of attempted arson. The owner or representative of the property did not attend the meeting.

Staff Recommendation: To declare the structure unsafe, substandard, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Fred Nielsen, supported by Randy Mackie, made a motion to declare the structure unsafe, substandard, a public nuisance and forward the case to the city commission for concurrence.

A Roll Call vote was taken:

AYES:

Greg Borgman  
John Warner  
Fred Nielsen  
Randy Mackie  
Clint Todd  
Jerry Bever  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The Motion Carried.

~~Old business: 340 Walton is being bid out on 4/24/01. They failed to comply with the consent order.~~

New Business: Mr. Nielsen noted what a nice job the owners did on 451 White Street. He suggested a thank you letter be brought to the next meeting for board member signatures. Staff agreed.

Adjourn: 6:15 PM

Date: May 22, 2001  
To: Honorable Mayor and City Commissioners  
From: Engineering  
RE: TEDF Category F-Grant Applications

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### SUMMARY OF REQUEST:

Your permission to submit TEDF Category F Grant applications for following projects is respectfully requested:

1. Milling & Resurfacing as well as Curb/Gutter replacement on **Southern Ave. from Seaway to Division**. Estimated cost is \$255,000
2. Milling & Resurfacing of **Sherman Blvd. from Lincoln to Beach Street**. Estimated cost is \$510,000.
3. Milling/Resurfacing as well as curb repairs on **Hackley Ave. from Seaway to Hudson**. Estimated cost is \$264,000.
4. Milling & Resurfacing as well as curb/gutter repairs on **Division from Southern to Western Ave**. Estimated cost is \$264,000.
5. **Black Creek Road** Milling and resurfacing from Sherman to Latimer. Estimated cost is \$350,000
6. Laketon Ave. from Peck to Park, Milling & Resurfacing. Estimated cost is \$550,000

### FINANCIAL IMPACT:

The grant applications would request a 50% participation from TEDF with the other 50% percent plus engineering from the Major Street.

### BUDGET ACTION REQUIRED:

None at this time. However, should any of the projects get approval, we would have to include it in the 2002 Capital Improvement Budget.

### STAFF RECOMMENDATION:

Approve the submittal of the grant applications.

### COMMITTEE RECOMMENDATION:

Resolution No. 2001-59(c)

MUSKEGON CITY COMMISSION

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

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

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

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

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

Resolved this 22nd day of May, 2001.

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

Nays: None

Abstentions: None

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

2001-59(c)  
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on May 22, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

**Date: May 15, 2001**  
**To: Honorable Mayor and City Commission**  
**From: Water Filtration Plant**  
**RE: High Service Pump #2 Rebuild – additional repairs**

---

SUMMARY OF REQUEST:

To authorize necessary additional repairs to High Service Pump #2.

FINANCIAL IMPACT:

Repair costs of \$11,724.99 in addition to the original agreement of \$20,100.00.

BUDGET ACTION REQUIRED:

This is an unplanned expense and will require an internal budget transfer from another line item.

STAFF RECOMMENDATION:

To authorize the contractor to perform the additional repairs in conjunction to the original rebuild project at a cost of \$11,724.99.

## **MEMORANDUM**

**5/16/01**

**TO: R. KUHN, DPW**  
**FROM: R. VENEKLASSEN, WFP**  
**RE: HIGH SERVICE PUMP #2 – 12 MILLION GALLON  
PER DAY (12 MGD)**

---

### **BACKGROUND**

High service pump #2 was removed for repair by our contractor, Peerless-Midwest, Inc., because it was not rotating freely. We received a repair cost estimate from Peerless based on their experience with two previous pump rebuilds, including cost increases. The original repair information from the April 10, 2001 City Commission Agenda is attached.

### **ADDITIONAL REPAIRS**

Upon removal of the pump it was evident there was significant corrosion on the pump column. Peerless disassembled the pump and found a number of items that required repair. The two major items are the replacement of an impeller, the welding repair, sand blasting and protective coating of the pump column. Additionally shaft sections, shaft sleeves and bearings must be replaced. Included are representative photographs of the impeller, pump sleeves and pitting on the pump column. Also included is the cost estimate for the aforementioned, additional, repairs.

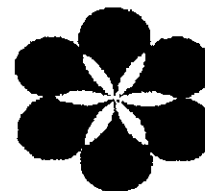
### **WATER DEMAND**

The Filtration Plant is beginning to experience an increase in water demand with the coming of warmer weather. High Service Pump #2 is heavily relied upon to meet the peak water demand during the summer months.

### **NOTICE TO PROCEED**

The unexpected events and unexpected conditions are unfortunate; none-the-less it is imperative that this pump be repaired. It is expected these necessary repairs will require more than six weeks to complete. Due to this situation Peerless-Midwest has been authorized to proceed with the necessary repairs and expedite the repair process at a cost of \$11,724.99.

# FAX TRANSMISSION



**PEERLESS-MIDWEST, INC.**

505 APPLE TREE DR.  
IONIA, MICHIGAN 48846  
616 5270050  
FAX: 616 5275508

**To:** Robert Veneklasen                      **Date:** May 14, 2001  
**Fax #:** 1-2317555290                      **Pages:** 3, including this cover sheet.  
**From:** Gerry Burrows  
**Subject:** City of Muskegon HS Pump #2

## COMMENTS:

Please find the attached pricing sheets for actual parts per the shop tear down list. Pricing is divided into major and normal pump parts. The two big ticket items in this list is the impeller and the welding and epoxy coating of the column pipe.

Regarding the impeller -- Surprising to me ! - cost of a new impeller was actually cheaper than repair of the old unit. We have double checked and factory verified pricing again this am. I expected the impeller to be double this price or more based on pricing of other 26" enclosed impellers.

Column pipe 18" - pricing is to sand blast to near white & Primer and epoxy coat to 5 mils as per pump standards.

I'm advised 6 weeks delivery on the impeller, 4 weeks on all other parts and services.

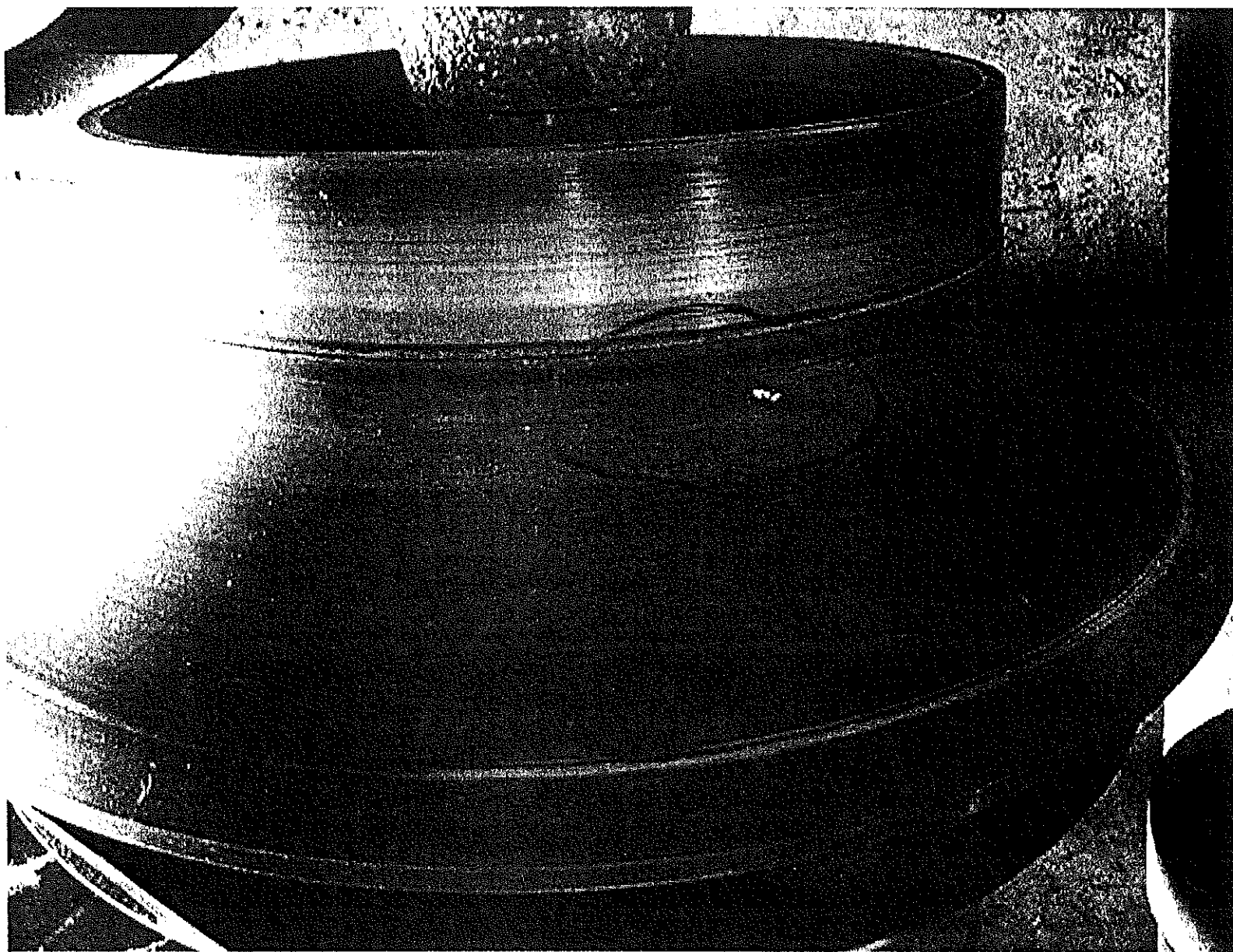
Note: when you factor out the machine shop labor the \$ 6478.64 reduces to \$ 5701.74 Which is \$ 1606.94 over 1995 pricing before 13.25% wholesale price increases.

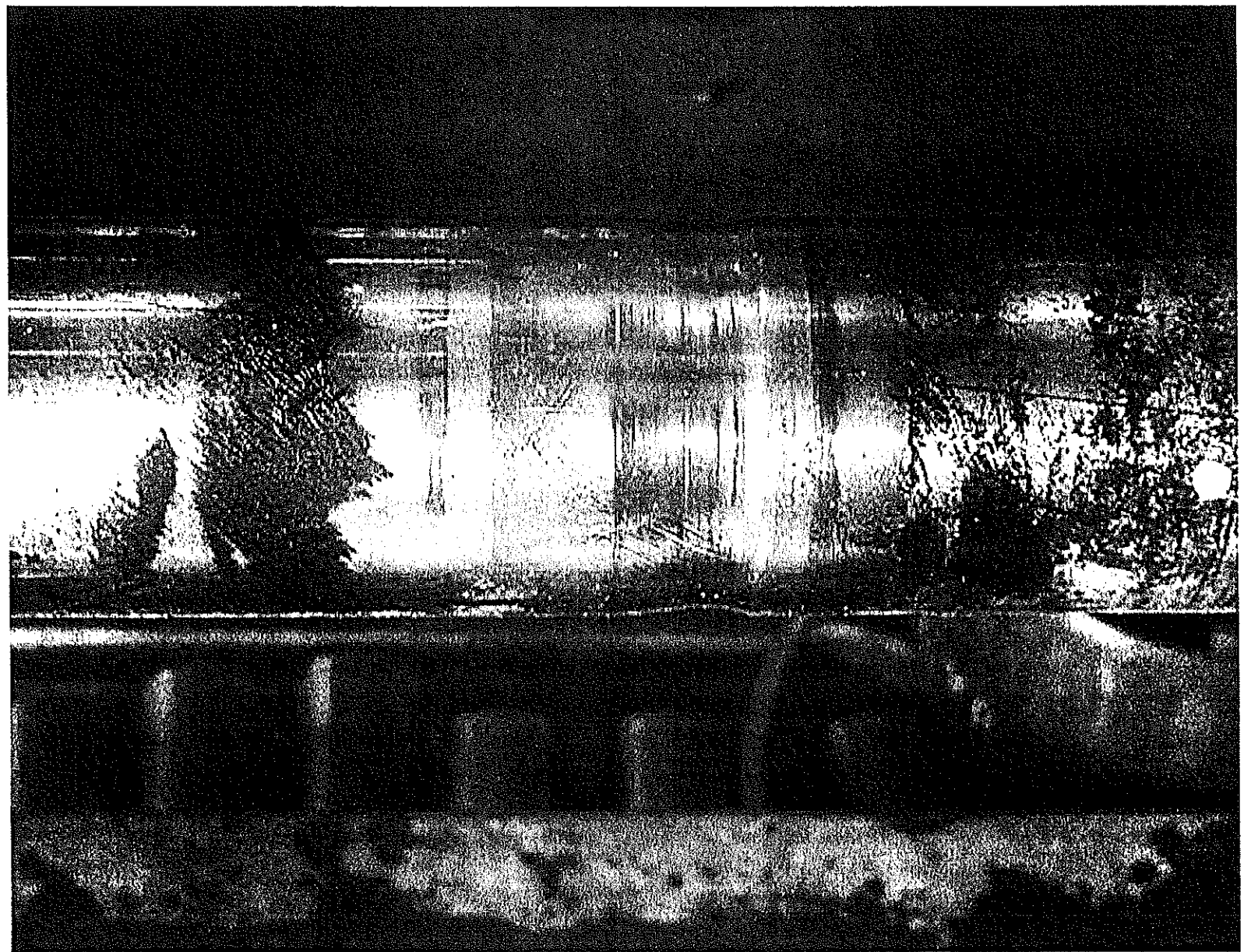
We have a order on hold for the listed parts pending any changes or questions you may have. Please advise your wishes.

Thanks .

|           |     |                                                           |             |            |
|-----------|-----|-----------------------------------------------------------|-------------|------------|
|           |     | Peerless-Midwest, Inc. Pump Parts Work Sheet              | Update List | 5/11/01    |
|           |     |                                                           | Parts list  | 4/27/01    |
| Job       | No. | Name: Muskegon                                            | Date:       | 5/11/01    |
|           |     | Worthington HS Pump #2 (22' of 18" x 2-11/16"CS-          | Pump Sml    | 74TU1566-1 |
| Labor:    |     | 26M-790- 2 stage Bell end Bowl                            | Pump #      | H.S.#2     |
|           |     |                                                           |             |            |
| Material: |     |                                                           | UNITS       | UNIT PRICE |
|           | No. | ITEMS                                                     |             | TOTAL      |
| H         | 1   | Stuffing Box bearing                                      | 1           | \$114.75   |
| E         | 2   | Water slinger                                             |             |            |
| A         | 3   | Set of packing                                            | 1           | \$51.30    |
| D         | 4   | Airline complete with gauge and fittings -per 100'        |             |            |
|           | 5   | Pressure gauge, petcock and fittings                      | 1           | \$51.30    |
|           | 6   | Set of discharge bolts, nuts and gasket                   | 1           | \$135.00   |
|           | 7   | Stainless steel head & motor shaft 2 11/16" x 94"         | 1           | \$715.50   |
|           | 8   | Complete head assembly includes 10' ss blank shaft        |             |            |
|           | 9   |                                                           |             |            |
| C         | 10  |                                                           |             |            |
| O         | 11  | (9.7 1/2') steel lineshaft ( 2 11/16" )                   | 1           | \$371.25   |
| L         | 12  | (10') steel lineshaft ( 2 11/16" )                        | 1           | \$371.25   |
| U         | 13  | (5') (stainless) steel lineshaft complete wt. sleeve ( )  |             |            |
| M         | 14  | (10') (stainless) steel lineshaft complete wt. Sleeve ( ) |             |            |
| N         | 15  | Machine shop work on shafting                             | 1           | \$351.00   |
|           | 16  | steel shaft couplings ( 2 11/16" )                        | 3           | \$147.15   |
| &         | 17  | Stainless steel shaft sleeves for ( 2 11/16" ) shaft      | 2           | \$357.75   |
|           | 18  | Set of Neoprene lineshaft bearings for ( ) ( )            | 1           | \$591.30   |
| S         | 19  | Bronze bearing retainers                                  |             |            |
| H         | 20  | Stainless steel snap rings                                |             |            |
| A         | 21  | 5' top column pipe ( 5" )                                 |             |            |
| F         | 22  | 10' intermediate column ( 5" x 1" )                       |             |            |
| T         | 23  | 5' to 5-1/3/16" Bottom column pipe ( 5" x 1" )            |             |            |
|           | 24  | 5' Top column pipe 460 HS ENGARD COATED                   |             |            |
|           | 25  | 10' Intermediate column pipe 460 HS ENGARD COATED         |             |            |
|           | 26  | 5' Bottom column pipe 460 HS ENGARD COATED                |             |            |
|           | 27  | Gaskets for Column                                        | 6           | \$53.55    |
|           | 28  |                                                           |             | \$321.29   |
| B         | 29  | Bolts and nuts for column                                 | 1           | \$186.30   |
| O         | 30  | Inter column assembly ( spiders ) ( Cast ) ( Bronze)-( )  |             |            |
| W         | 31  | New Stage Bowl assembly GPM @TDH                          |             |            |

|   |    |                                                        |   |                       |                       |
|---|----|--------------------------------------------------------|---|-----------------------|-----------------------|
| L | 32 | Set of bearings for bowl assembly 2 Stage 26M Bowl     | 1 | \$688.50              | \$688.50              |
| S | 33 | Set of Bronze wear rings (2)                           | 1 | \$286.20              | \$286.20              |
|   | 34 | Set of stainless steel collets                         |   |                       |                       |
| & | 35 |                                                        |   |                       |                       |
|   | 36 | Metaline hubs of impellers                             |   |                       |                       |
| S | 37 | set of bolts for bowl assembly                         | 1 | \$94.50               | \$94.50               |
| U | 38 | Stainless steel impeller shaft                         |   |                       |                       |
| C | 39 | Machine work on impeller shaft                         |   |                       |                       |
| T | 40 | ( 6" x 10' ) suction pipe                              |   |                       |                       |
| I | 41 | ( ) pipe couplings                                     |   |                       |                       |
| O | 42 | Machine impellers, Make W/R, loctite                   | 1 | \$526.50              | \$526.50              |
| N | 43 | Material for wear rings stock size ( ) x ( ) x ( )     |   |                       |                       |
|   | 44 | HTH Chlorine                                           |   |                       |                       |
| M | 45 | Sodium Hyperchlorite                                   |   |                       |                       |
| I | 46 | Motor overhaul by outside vendor)                      |   |                       |                       |
| S | 47 | Complete gear drive repair or overhaul                 |   |                       |                       |
| C | 48 | Grease and Paint                                       | 1 | \$81.00               | \$81.00               |
|   | 49 | Freight on Materials                                   | 1 | \$384.75              | \$384.75              |
|   | 50 | Sample                                                 |   |                       |                       |
|   |    |                                                        |   |                       |                       |
|   |    | TOTAL actual per parts tear down list                  |   |                       | \$6,478.64            |
|   |    | Estimate 1995= \$ 4,093.20 x 6 yrs @2.2%= \$ 4,645.78  |   |                       |                       |
|   |    | Major Additions                                        |   |                       |                       |
|   | 1  | 26 M Bronze impellers ----- New                        | 1 | \$5,467.50            | \$5,467.50            |
|   | 1  | 26M Bronze Impeller -----repaired                      | 1 | <del>\$6,783.00</del> | <del>\$6,783.00</del> |
|   | 1  | Stainless steel bolts                                  | 1 | \$907.50              | \$907.50              |
|   |    | Sand Blast & Coat flanged column                       | 1 | \$2,971.35            | \$2,971.35            |
|   |    |                                                        |   |                       |                       |
|   |    | Highlighted items - impeller repair not added in total |   |                       |                       |
|   |    | Total all parts as listed wt new impeller              |   |                       | \$15,824.99           |







## MEMORANDUM

4/2/01

**TO:** R. KUHN, DPW  
**FROM:** R. VENEKLASEN, WFP  
**RE:** HIGH SERVICE PUMP #2 --  
12 MILLION GALLON PER DAY (12 MGD)

---

The High Service Pumps; 2-6 MGD and 2-12 MGD, in the 1972 Pumphouse are the primary pumps used to move water into the distribution system and elevated storage tanks.

The upper bearing oil on High Service pump #4 (6 MGD) started to show discoloration (blackened). Kevin Herbert, Chief Operator, had the oil tested by Chevron (oil mfg.). The test results showed high iron content. Additionally this pump started to show elevated vibration levels. While waiting for the oil test results the pump was balanced & the oil flushed and changed.

Kevin began researching what would cause the iron content in the oil. Indications were that it wasn't a bearing problem (no chromium or nickel) so he asked Hall/Jones Elec. to look further into the problem & re-check the balance. This revealed that the bearings were rotating in the casting (unacceptable) and causing the iron particles. Subsequently, the shaft hub has been machined to specs. and the bearings replaced.

The remaining three pumps were examined for the same condition. None displayed signs of this condition but Pump #2 (12 MGD) did not rotate freely like the other pumps.

Kevin contacted Peerless-Midwest and asked them to take a look at this and make recommendation. Peerless adjusted the shaft throw and everything else they could think would relieve the condition; only to loosen the binding slightly (the other pumps can be rotated by hand - this one cannot). They spent over three hours working on the pump, not including travel from Ionia at no charge to us.

We have taken pump #2 out of service but have not "locked" it out. This allows the Plant Operator to use it only if absolutely necessary until such time as it can be repaired.

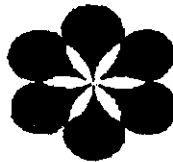
You may recall that Peerless-Midwest rebuilt High Service pumps #1 & 3 in late 1995 and early 1996. We were quite pleased with their performance. Subsequent to that work, they recently rebuilt the booster pump #2 located at the Keating St. station.

We solicited a cost for a re-build of pump #2 from Peerless Midwest because we are approaching the summer season and a repair of this sort may take as much as 6 to 8 weeks. This time frame is further compounded by spring weight restrictions on the roadways.

The pricing estimate submitted by Peerless-Midwest, Inc. to perform a pump rebuild similar to that performed in 1996 is \$20,100.00. This is an unplanned, but necessary, expenditure that will require a budget transfer.

# Pricing Estimate

City of Muskegon  
Mr. Kevin Barbert, Plant Foreman  
1900 Beach St.  
Muskegon, Michigan 49441



Peerless-Midwest, Inc.  
505 Apple Tree Dr.  
Ionia, Michigan 48846  
616 5270850 616 5275388  
4-3-01— Revised  
Gerry Barrows, Dist. Mgr.  
Pull and Overhaul RS Pump # 2  
500 HP Unit

1-231 7244804  
1-231 7590192 Fax 1231 7555290

Includes Two man Crew, Semi Service Truck wt. Driver, Sub-contract 150 ton Crane, Accessory Equipment & Tools.

| Job Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Mobilize crews and Crane to site. Loosen bolts to overhead I-beam, Exhaust fan &amp; Hatches<br/> Lock out Pump power and controls, disconnect all Flange bolts, motor bolts, adjusting nuts &amp; motor clutch<br/> Disconnect wiring, conduit &amp; power connections (City has opted in past to have this done by local electrical contractor due to high voltage) — City option<br/> Set up crane &amp; counterweights - rig slings ( 90 ton unit with 60' +reach ) - remove I-Beam in Hatches<br/> Pull 500 HP motor and set on blocks - motor is not to be overhauled ( Est. Wt. Motor = 3,550#, Pump = 7,100#)<br/> Pull high service pump &amp; place on flat bed semi truck — unit to be transported to Mishawaka shop for complete disassembly &amp; parts list.<br/> Cleanup &amp; place secure cover over sump. Load tools and return to shop.<br/> Shop to repair pump as directed based on parts list and City approvals<br/> Upon completion, return pump to Site. Set up Crane and reset pump and motor.<br/> After installation crew is satisfied with pump alignment - crane will be released ( I -beam is not being replaced, unless requested by City.<br/> Beam is in center of hatches and prevents pump removal.<br/> Finish installation &amp; adjustments.<br/> Electrical hookup, Startup and test.<br/> Final cleanup, paint &amp; grouts. Tear down, load and return any rental equipment.<br/> Return travel</p> |

| Itemized Estimate                                                                                                                                                                                                                                                                                                                   |    |          |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------|------------|
| Mobilize two man crew with service truck & tools ( one ton )                                                                                                                                                                                                                                                                        | 4  | \$135.00 | \$540.00   |
| Loosen bolts to overhead I-beam, Exhaust fan & Hatches<br>Lock out Pump power and controls<br>Disconnect all Flange bolts, motor bolts, adjusting nuts & motor clutch<br>Disconnect wiring, conduit & power connections (City has opted in past to have this done by local electrical contractor due to high voltage) — City option | 6  | \$135.00 | \$810.00   |
| Mobilize Crew man with Flat bed Semi-truck to Muskegon— RT & on site                                                                                                                                                                                                                                                                | 12 | \$70.00  | \$840.00   |
| Mobilize & set up crane & counterweights - rig slings - remove I-Beam in Hatches<br>On site to pull motor, pump. Demobilize Crane                                                                                                                                                                                                   | 8  | \$300.00 | \$2,400.00 |
| Crew : Pull 500 HP motor and set on blocks - motor is not to be overhauled<br>Pull high service pump & place on flat bed semi truck — unit to be transported to Mishawaka shop for complete disassembly & parts list.<br>Cleanup & place secure cover over sump. Load tools and return to shop.                                     | 8  | \$135.00 | \$1,080.00 |
| Shop to repair pump as directed based on parts list and City approvals Est. Man hrs<br>Tear down, parts list - installed new parts and reassemble                                                                                                                                                                                   | 40 | \$65.00  | \$2,600.00 |
| Machine shop: Work on shafting and components as necessary                                                                                                                                                                                                                                                                          | 14 | \$95.00  | \$1,330.00 |
| Load and transport repaired pump to site ( one man- semi truck ) ( Rt on site )                                                                                                                                                                                                                                                     | 12 | \$70.00  | \$840.00   |
| Mobilize & set up crane & counterweights - rig slings - Reset pump from semi truck, reset motor. Demobilize Crane                                                                                                                                                                                                                   | 8  | \$300.00 | \$2,400.00 |

| Itemized Estimate                                           |    |            |             |
|-------------------------------------------------------------|----|------------|-------------|
| Crew -install repaired pump, motor & accessories — Start up | 10 | \$135.00   | \$1,350.00  |
| Demobilize , cleanup and return                             | 6  | \$135.00   | \$810.00    |
| Estimated parts - based on 1995 repairs to Unit #1          | 1  | \$4,100.00 | \$4,100.00  |
| Rentals : Hydraulic lift                                    | 1  | \$450.00   | \$450.00    |
| Misc. Hardware, paint , rags etc.                           | 1  | \$70.00    | \$70.00     |
| Per diem - 2 men --two nights ( 70.00/ man allowed )        | 4  | \$70.00    | \$280.00    |
|                                                             |    |            | \$0.00      |
| Total                                                       |    |            | \$20,100.00 |

Note: Insurance above standard limits is not included

Bonding is not included

Overhaul of motor is not included. ( no warranty on motor )

Pump Warranty = 1 year from date of installation/ startup

Note: Pump is believed to have a seized packing box bearing .

Pump may require new head shaft. — SS

**Date: May 22, 2001**  
**To: Honorable Mayor and City Commissioners**  
**From: Tony Kleibecker, Chief of Police**  
**RE: False Information Ordinance – Section 12-1**

---

SUMMARY OF REQUEST: To amend Section 12-1 of the Code of Ordinances concerning obedience to signs and official instructions regarding use of public areas; following directions of police officers; obstructing, resisting or opposing police officers; giving identification.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the Ordinance.

April 16, 2001

Tony Kleibecker, Chief of Police  
Muskegon Police Department  
PO Box 536  
Muskegon, MI 49443-0536

RECEIVED

APR 18 2001

MUSKEGON POLICE DEPT.  
CHIEF of POLICE

Re: False Information Ordinance, Section 12-1(b)

Dear Tony:

I am attaching a proposed amended section (b) which I believe will satisfy our concerns about the use of that section by police officers who may have interpreted it to allow the arrest of persons solely because they failed to give their names and other identifying information during, for instance, a *Terry* stop or other questioning where there is no probable cause or reasonable belief that the defendant has committed a crime. A good review of the law on the subject is found in a Western District opinion by Judge Quist in *Risbridger v Connelly*, 122 F.Supp.2d 857. This was an East Lansing case where a police officer who had made a valid *Terry* stop, but had no further probable cause to arrest the defendant, was being sued along with East Lansing and others for violation of the plaintiff's Fourth Amendment rights together with other constitutional rights, state and federal. The officer had arrested the defendant after a valid *Terry* stop, solely because he refused to give his name. The case contains a pretty good review of all the case law in this area.

Please look this over and tell me whether we should go ahead and start the ball rolling before the city commission to make a change.

Incidentally, is there any reason to look at a new disorderly ordinance? We briefly mentioned that, but did not pursue.

Very truly yours,

G. Thomas Johnson  
Direct Dial: 231/722-5400  
E-mail: gtj@parmenterlaw.com

GTJ:mmf

Attachment

c: Bryon Mazade (w/attachment)

G. Thomas Johnson  
George D. Van Epps  
John M. Briggs, III  
Michael L. Rolf  
George W. Johnson  
W. Brad Groom

John C. Schrier  
Christopher L. Kelly  
Linda S. Kaare  
Philip M. Stoffan  
William J. Meier  
James R. Scheuerle

Keith L. McEvoy  
Anna K. Urlick  
Scott R. Sewick  
Jennifer L. Hyland  
Jeffery A. Jacobson

*Of Counsel*  
Thomas J. O'Toole  
Eric J. Fauri

*Retired*  
Robert L. Forsythe  
Arthur M. Rude

Paul T. Sorenson, 1920-1966  
George A. Parmenter, 1903-1993  
Cyrus M. Poppen, 1903-1996  
Harold M. Street, 1912-2000

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2046

An ordinance to amend Section 12-1 of the Code of Ordinances concerning obedience to signs and official instructions regarding use of public areas; following directions of police officers; obstructing, resisting or opposing police officers; giving identification.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Subsection (b) of Section 12-1 of the Code of Ordinances is amended to read as follows:

**Sec. 12-1. Obedience to signs and official instructions regarding use of public areas; following directions of police officers; obstructing, resisting or opposing police officers; giving identification.**

...

(b) Where there is probable cause to arrest a person for the commission of a crime or reasonable basis to stop a person to issue him or her a civil infraction citation, the person shall not fail to give true information of their identity and identifying information, including, but not limited to, their full name, address, and date of birth, to a police officer, peace officer, sheriff or deputy sheriff, or person acting with and having police officer powers, who is lawfully exercising police or peace officer powers, upon the lawful request or demand of such officer or authorized person. No person shall give false or misleading identifying information in response to such request or demand.

In all other respects 12-1 of the city ordinances shall remain in full force and effect.

This ordinance adopted:

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

Nays: None

Adoption Date: May 22, 2001

Effective Date: June 10, 2001

First Reading: May 22, 2001

Second Reading: N/A

CITY OF MUSKEGON

By: \_\_\_\_\_

*Gail A. Kunderger*  
Gail A. Kunderger  
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 22<sup>nd</sup> day of May, 2001, which 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.

Dated: May 29, 2001

*Gail A. Kunderger*  
Gail A. Kunderger, CMC/AAE  
Clerk, City of Muskegon

**CITY OF MUSKEGON  
NOTICE OF ADOPTION**

TO: ALL INTERESTED PARTIES:

Please take notice that on May 22, 2001 the City Commission for the City of Muskegon adopted an amendment to the Ordinance that prohibits the giving of false information to police or peace officers lawfully acting in their police capacity.

The amendment is to Ordinance 12-1 (b), and consists only of additional language specifying the circumstances under which a police officer has the power to demand information from a person, those being when there is probable cause to arrest or when a civil infraction is committed.

In all other respects the ordinance, section 12-1 of the City Code of ordinances, remains in full force and effect.

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: May 31, 2001

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

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

**Commission Meeting Date: May 22, 2001**

**Date:** May 22, 2001  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development  
**RE:** Rezoning request for property located between Nelson Ave  
and Harbortowne Circle, south of Ohio.

---

**SUMMARY OF REQUEST:**

Request to rezone property located in Block 761 from R-1, Single-Family Residential to LR, Lakefront Recreation.

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of the request due to the approval of a special use permit that limits the height and scope of the residential development.

**COMMITTEE RECOMMENDATION:**

The Planning Commission recommended approval of the rezoning. Members present: Coleman (yes); Nielsen (no); Aslakson (yes); Mazade (yes); Sartorius (no); Veltkamp (yes).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2047

**An ordinance to amend the zoning map of the City to provide for a zone change for certain property from R-1 "Single-Family Residential," to LR "Lakefront Recreation"**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from R-1 "Single-Family Residential", to LR "Lakefront Recreation":

LOTS 1-3 AND LOTS 15-25 OF BLOCK 761 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN

This ordinance adopted:

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

Nayes: None

Adoption Date: May 22, 2001

Effective Date: June 10, 2001

First Reading: May 22, 2001

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE (Blk 761 rezoning from R-1 to LR)

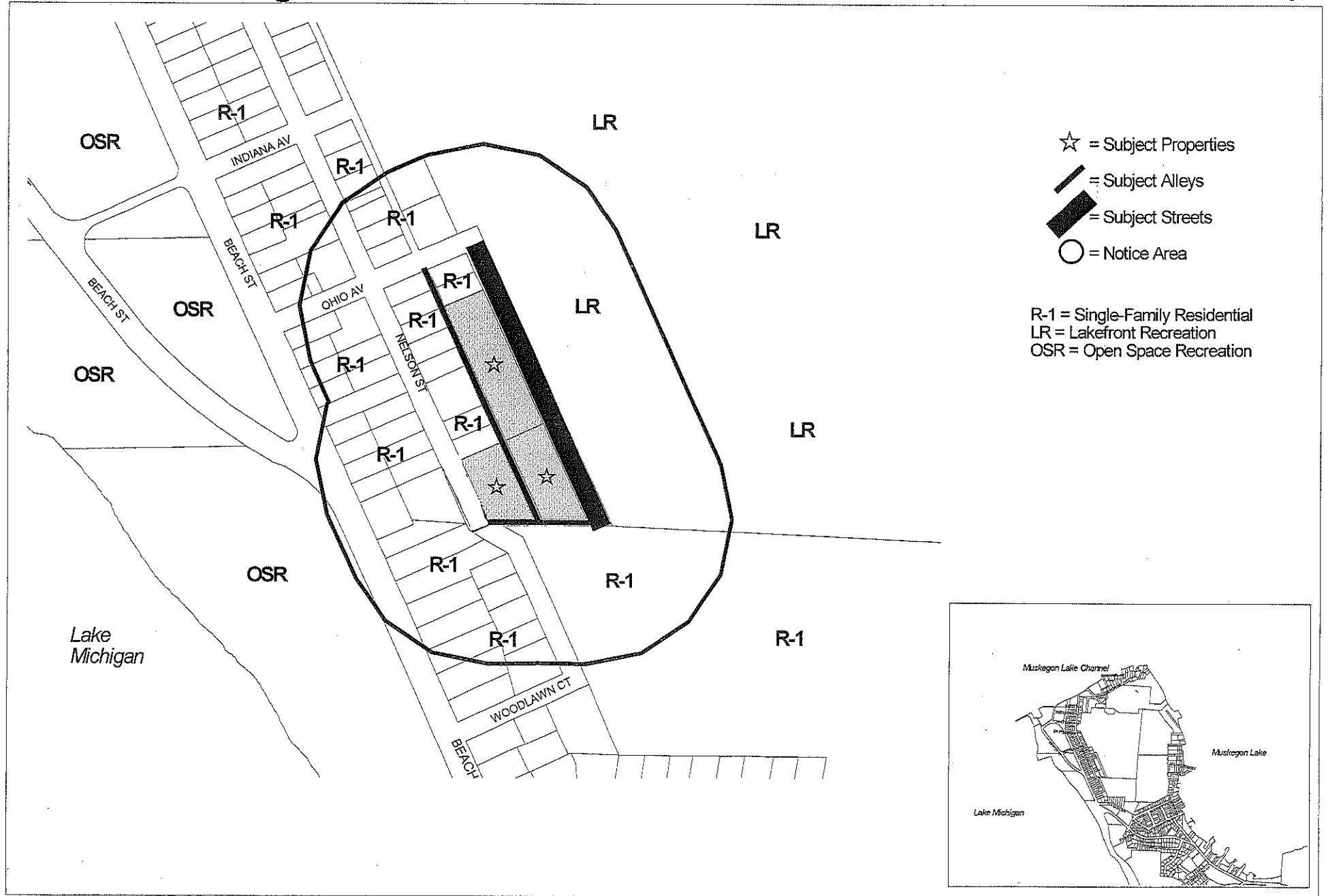
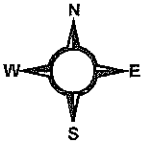
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of May, 2001, 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: May 29, 2001.

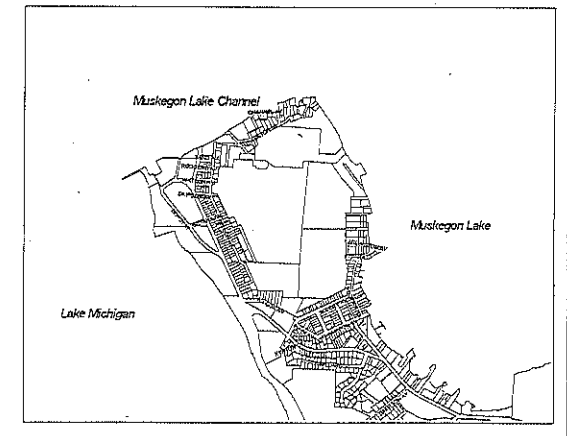
  
\_\_\_\_\_  
Gail Kunderger, CMC/AEE  
Clerk, City of Muskegon

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

**City of Muskegon  
Planning Commission  
Cases #2001-14 through #2001-17**



- ☆ = Subject Properties
  - = Subject Alleys
  - ▬ = Subject Streets
  - = Notice Area
- R-1 = Single-Family Residential  
 LR = Lakefront Recreation  
 OSR = Open Space Recreation



500 0 500 1000 Feet

## *Staff report excerpt*

---

### **BACKGROUND**

Case 2001-17: Request to rezone property located in Block 761 (on Dewey St. and Nelson St.) from R-1, Single-Family Residential to LR, Lakefront Recreation, by John Darien.

### **STAFF OBSERVATIONS**

1. The property is currently zoned single family residential, R-1. Lakefront Recreation permits residential development with a special use permit, but it also permits several other uses that would not be well-suited for this site (e.g., restaurants, cocktail lounges, hotels). A condition of the special use permit case (following) should be to only permit the proposed residential development presented with minor site plan changes.
2. The Harbortowne development, immediately east of this site, is currently zoned LR.
3. At some point in the future, if this land were not developed, the city could be petitioned to dissolve the Special Use Permit in which case the underlying LR zoning remains.
4. The parcel is just over three acres (with all vacations). Under present zoning, without all the vacations, approximately 14 homes could be developed on this land.
5. There is no restriction on density in the LR zone, but height is limited to four stories. Again, the special use permit could limit the scope (i.e. height) of the structures.
6. The Future Land Use Map shows the subject property to be single family residential immediately adjacent to PUD/residential.
7. The Master Plan recommends for this sub-area:  
*... "it is the goal of the Master Plan to maintain the quality and character of subarea 8, while permitting select (and highly restricted) residential and commercial enhancements consistent with the range of subarea uses."*

### **ORDINANCE EXCERPTS**

#### **ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS**

##### **Preamble**

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

##### **SECTION 400: PRINCIPAL USES PERMITTED**

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupation of a non-industrial nature may be permitted subject to the following:
  - a. Only members of the immediate family residing on the premises may be employed.
  - b. There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
  - c. No stock in trade shall be kept, or commodities sold, except as incidental to services rendered.
  - d. The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of any one (1) floor of the principal building.
  - e. There shall be no outside storage or processing. All activity must be conducted within a preexisting structure.
  - f. Activities specifically prohibited include repair or service of motor vehicles and other large equipment; service or manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may affect surrounding property.
  - g. No more than two (2) customer vehicles for the occupation shall be parked at the premises at any one time on a frequent continuing basis.
  - h. No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.
3. Congregate living facility for not more than two persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

#### SECTION 401: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions:
  - a. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major

thoroughfare and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.

- b. Front, side, and, rear yards shall be at least fifty (50) feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
  - c. Buildings erected on the premises shall not exceed one (1) story or fourteen (14) feet in height.
  - d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence six (6) feet in height, and entry shall be protected by means of a controlled gate or turnstile.
  - e. Off-street parking shall be provided so as to accommodate at least one fourth (1/4) of the member family and/or individual members. Bylaws of the organization shall be provided to the Planning Commission in order to establish the membership involved in computing parking requirements.
  - f. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission who may impose reasonable restrictions or requirements so as to insure that contiguous residential areas will be adequately protected.
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least five (5) acres in area.
  - b. All ingress to and egress from said site shall be directly onto a major thoroughfare.
  - c. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
3. Churches and other facilities normally incidental thereto subject to the following conditions:
- a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
  - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
  - c. Buildings of greater than the maximum height allowed in Section 2100, may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.

4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
  - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
    - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
    - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
    - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
    - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.
  - b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; uses serving or selling alcohol, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
  - c. Conditions:
    - 1) Outdoor storage is prohibited.
    - 2) The area devoted to approved uses shall not exceed 2,500 square feet.
    - 3) All goods produced on the premises shall be sold at retail on the premises where produced.
    - 4) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
    - 5) Parking shall be accommodated on site or with limited street parking.
    - 6) Hours of operation may be limited by the Planning Commission.
    - 7) Signs must comply with those set forth for the residential zoning district.

7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.
9. Restricted parking areas subject to provisions of Section 2327.1.

### **LR Lakefront Recreation**

## **ARTICLE XIII - LR LAKEFRONT RECREATION DISTRICTS**

### **PREAMBLE**

The primary intent of the LR Lakefront Recreation District is to provide for areas **abutting Muskegon Lake including Muskegon River and Lake Michigan** to be utilized for both public and private recreational and recreation oriented facilities. It is intended that any commercial facilities be limited to water related recreation activities.

### **SECTION 1800: PRINCIPAL USED PERMITTED**

In the LR Lakefront Recreation District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Marinas for the berthing and servicing of boats, but without major repair or storage facilities.
2. Restaurants and cocktail lounges.
3. Hotels and motels.
4. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

### **SECTION 1801: SPECIAL LAND USES PERMITTED**

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Residential development projects.
2. Private clubs, lodge halls, social, or recreational uses.
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Use Permitted.
4. Seasonal, recreational, camper and trailer parks, and facilities.

5. Uses similar to the above Special Land Uses Permitted.

#### SECTION 1802: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the LR Lakefront Recreation Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with lakefront recreation activities, or residential dwellings.

#### SECTION 1803: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 21,780 sq. feet.
2. Dedicated open space requirement: 15%
3. Maximum lot coverage:  
Buildings: 60 %  
Pavement: 15 %
4. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
5. Maximum building width: 50% (as a portion of the lot width).
6. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
7. Height limit: 4 stories or 60 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

8. Front Setbacks:  
Minimum:  
Expressway, Arterial Street or Major Street: 30 feet  
Collector Street: 20 feet  
Minor Street: 10 feet
9. Rear setback: 10 feet
10. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
11. Side setbacks:  
1-story: 8 feet and 12 feet  
2-story: 10 feet and 14 feet  
3-story: 12 feet and 16 feet  
4-story: 16 feet and 20 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

12. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:
  - a. The building has an approved fire rating for zero-lot line development under the building code.
  - b. The building has adequate fire access preserved pursuant to fire code requirements.
  - c. The zero lot line side is not adjacent to a street.
  - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
  - e. It is not adjacent to wetlands, or waterfront.
13. All required setbacks shall be landscaped buffer zones.

#### **RECOMMENDATION**

Staff recommends the zoning be approved only if the Planning Commission is willing to authorize a special use permit for low density, one-story residential development.

## CITY OF MUSKEGON

### NOTICE OF ADOPTION

Please take notice that on May 22, 2001, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "Single-Family Residential", to LR "Lakefront Recreation":

LOTS 1--3 AND LOTS 15-25 OF BLOCK 761 OF THE REVISED PLAT OF 1903 OF  
THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN

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

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

Published May 31, 2001

CITY OF MUSKEGON

By \_\_\_\_\_  
Gail A. Kunderger  
Its Clerk

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

Account No. 101-80400-5354

**Commission Meeting Date: May 22, 2001**

**Date:** May 16, 2001  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development   
**RE:** Vacation of Dewey Street

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SUMMARY OF REQUEST:

Request to vacate Dewey St. (south of Ohio St. to its terminus).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of <sup>street</sup> ~~alley~~ to facilitate the development of five buildings, each with four living units.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation. Members present: Coleman (yes); Nielsen (no); Aslakson (yes); Sartorius (yes); Veltkamp (yes).

**CITY OF MUSKEGON**

**RESOLUTION #2001-59(g)**

**RESOLUTION TO VACATE A PUBLIC STREET**

WHEREAS, a petition has been received to vacate Dewey St. (south of Ohio St. to its terminus), City of Muskegon; and

WHEREAS, the Planning Commission held a public hearing on May 15, 2001 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the May 22, 2001 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Dewey St. (south of Ohio St. to its terminus);

BE IT FURTHER RESOLVED that the following condition will also apply to the vacation of said street:

This vacation is final only after access for residents and utilities are permanently conveyed over any private lands between the Dewey Street right-of-way and the Harbortowne Circle right-of way to Harbortowne Circle, regardless of future property ownership and that the granting of that access be provided in an appropriate legal form approved by the City Attorney.

Resolution to vacate Dewey St. adopted this 22nd day of May, 2001.

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

Nays: None

Absent: None

By: Fred J. Nielsen  
Fred J. Nielsen, Mayor

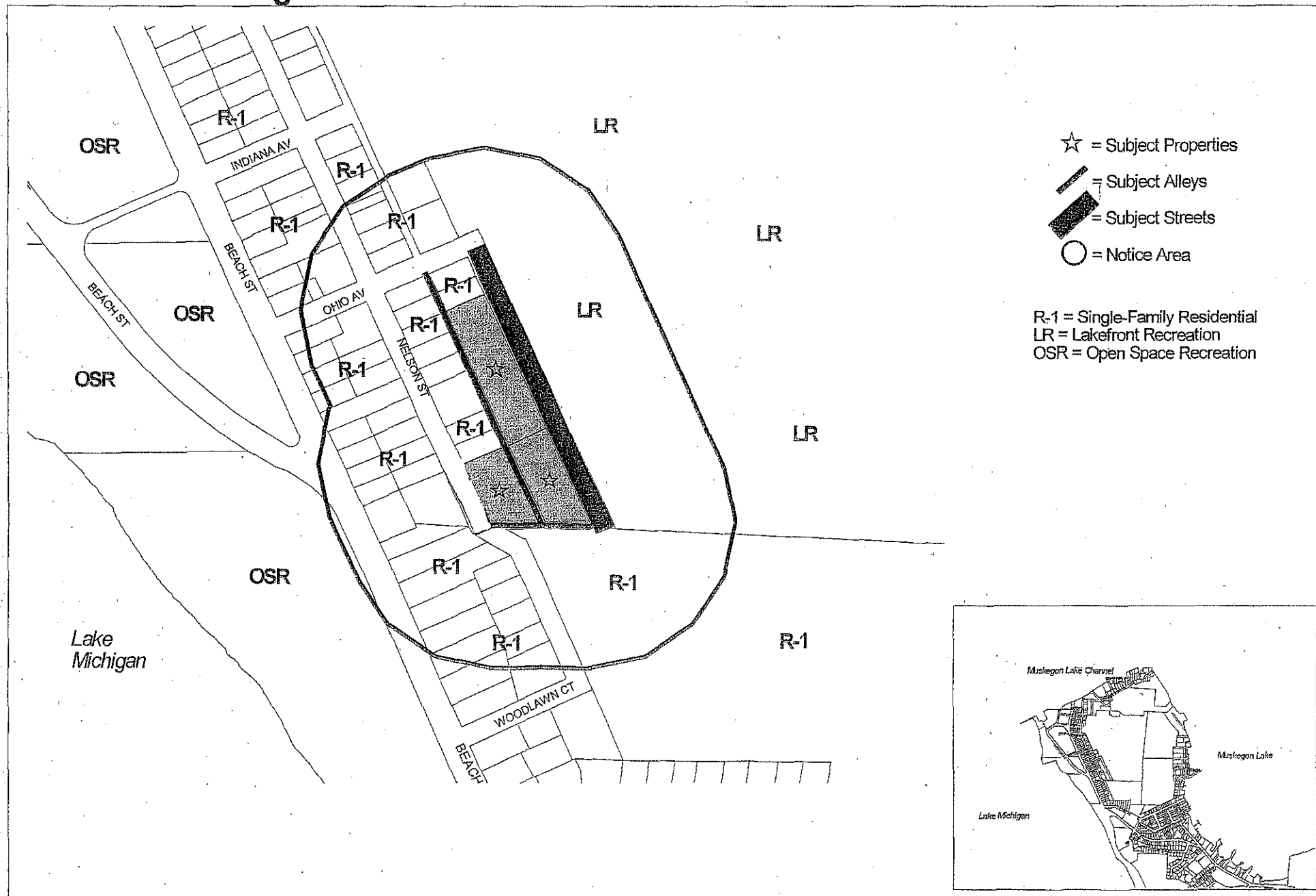
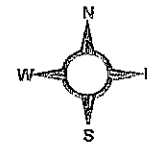
Attest: Gail A. Kunderger  
Gail A. Kunderger, Clerk

**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 May 22, 2001.

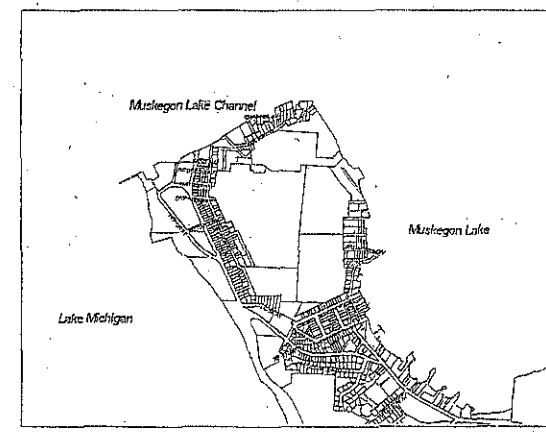
Gail Kunderger  
Gail Kunderger, CMC/AAE  
Clerk, City of Muskegon

**City of Muskegon  
Planning Commission  
Cases #2001-14 through #2001-17**



- ☆ = Subject Properties
- = Subject Alleys
- = Subject Streets
- = Notice Area

R-1 = Single-Family Residential  
LR = Lakefront Recreation  
OSR = Open Space Recreation



500 0 500 1000 Feet

*Staff report excerpt*

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**BACKGROUND**

Case 2001-15: Request for vacation of a portion of Dewey St. (south of Ohio St. to its terminus).

**STAFF OBSERVATIONS**

1. Since Harbortowne Circle is so close to the Dewey Street right-of-way, it seems unnecessary to keep that undeveloped "paper" street.
2. There is a strip of privately owned land between the Dewey Street right-of-way and Harbortowne Circle that has prevented access to Harbortowne Circle from the subject parcel in the past. An easement or some other form of permanent legal access for residents and utilities needs to be provided over this land. This should be a condition of the vacation so access to Harbortowne Circle will not be an issue at some point in the future, regardless of current or future ownership.

**STAFF RECOMMENDATION**

Abandon Dewey Street with the recommended conditions.

**DELIBERATION**

I move that the vacation of a portion of Dewey St. (south of Ohio St. to its terminus) be (approved/denied), because \_\_\_\_\_ (based on the following conditions--only if approved):

1. Access for residents and utilities be permanently conveyed over any private lands between the existing Dewey Street right-of-way and the Harbortowne Circle right-of way to Harbortowne Circle, regardless of future property ownership and that the granting of that access be provided in an appropriate legal form to the City Attorney prior to the City Commission finalizing the Dewey Street vacation.

**Commission Meeting Date: May 22, 2001**

**Date:** May 16, 2001  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development   
**RE:** Alley Vacation in Block 761

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**SUMMARY OF REQUEST:**

Request for vacation of both the north/south and the east/west alleys in Block 761  
(said block is bounded by Beach St., Nelson St., Ohio St., and Dewey St.)

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Staff recommends vacation of alley to facilitate the development of five buildings, each with four living units.

**COMMITTEE RECOMMENDATION:**

The Planning Commission recommended vacation. Members present: Coleman (yes); Nielsen (no); Aslakson (yes); Sartorius (yes); Veltkamp (yes).

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**BACKGROUND**

Case 2001-14: Request for vacation of both the north/south and the east/west alleys in Block 761 (bounded by Beach St., Nelson St., Ohio St., and Dewey St.), by John Darien.

**STAFF OBSERVATIONS**

1. Both of the alleys are "paper" and unused by area residents.
2. As long as our easements are retained and no structures are placed over them, abandonment was not seen as a problem by staff (Planning, Engineering, Fire, and DPW)

**STAFF RECOMMENDATION**

Abandoned the alleys and retain any necessary easements on the condition no structures may be placed over the easements.

## CITY OF MUSKEGON

### **RESOLUTION #2001-59(h)**

#### **RESOLUTION TO VACATE PUBLIC ALLEYS**

WHEREAS, a petition has been received to vacate both the north/south and the east/west alleys in Block 761 (said block is bounded by Beach St., Nelson St., Ohio St., and Dewey St.) of the Revised Plat of 1903, City of Muskegon; and

WHEREAS, the Planning Commission held a public hearing on May 15, 2001 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the May 22, 2001 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the alley;

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said alley vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Action to vacate both the north/south and the east/west alleys in Block 761.

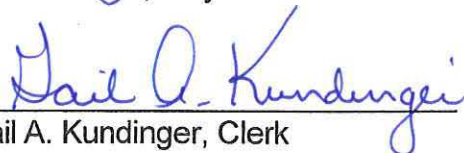
Adopted this 22nd day of May, 2001.

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

Nays: None

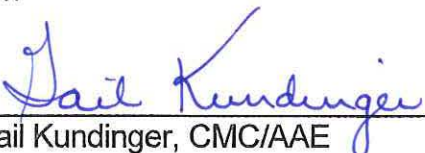
Absent: None

By:   
Fred J. Nielsen, Mayor

Attest:   
Gail A. Kunding, Clerk

#### CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on May 22, 2001.

  
Gail Kunding, CMC/AEE  
Clerk, City of Muskegon

**City of Muskegon  
Planning Commission  
Cases #2001-14 through #2001-17**

