

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 13, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

ROLL CALL:

PRESENTATIONS:

CONSENT AGENDA:

- a. Approval of Minutes. CITY CLERK
- b. Fireworks Display – Muskegon Country Club CITY CLERK
- c. Request to Fly Norwegian Flag CITY CLERK
- d. Liquor License Request – Flamingo II 1163 E. Laketon CITY CLERK
- e. Installation of 10 Decorative Lights on Western Ave. PLANNING AND ECONOMIC DEVELOPMENT
- f. Approval to Resubmit Notice of Intent (NOI) for Partnership for Traditional Neighborhood Redevelopment (ParTNeR) Program – New Project PLANNING AND ECONOMIC DEVELOPMENT
- g. Brownfield Consulting Contract – Anne Couture PLANNING AND ECONOMIC DEVELOPMENT
- h. Cathodic Protection System DEPARTMENT OF PUBLIC WORKS

PUBLIC HEARINGS:

- a. Request for the Establishment of an Industrial Development District – Motion Dynamics Corporation PLANNING AND ECONOMIC DEVELOPMENT
- b. Request for an Industrial Facilities Exemption Certificate (IFT) – Motion Dynamics Corporation PLANNING AND ECONOMIC DEVELOPMENT
- c. Request to Establish an Obsolete Property District – Resurrection Properties, LLC. PLANNING AND DEVELOPMENT
- d. Request to Issue an Obsolete Property Certificate – Resurrection Properties, LLC PLANNING AND DEVELOPMENT
- e. Create a Special Assessment District for Alpha Ave., Commerce St. to Jefferson St. ENGINEERING

- f. Create a Special Assessment District for Franklin St., Washington Ave. to Michigan Ave. ENGINEERING

NEW BUSINESS:

- a. Special Election Agreement – Casino Gaming CITY MANAGER
- b. Veterans Park Maintenance CITY MANAGER
- c. First Reading - Rezoning Request for Properties Located within 'Area 10b' PLANNING AND ECONOMIC DEVELOPMENT
- d. Relocation of Power Line – Terrace Lot PLANNING AND ECONOMIC DEVELOPMENT
- e. Recommendations to the Public Relations Committee. COMMUNITY RELATIONS COMMITTEE
- f. Natural Gas to Lakefront Development. ENGINEERING
- g. Easement to Consumer Energy. ENGINEERING
- h. Change Order to Washington, Franklin to Lakeshore Dr. Project. ENGINEERING
- i. Air-conditioner Units in the P.D. at City Hall. ENGINEERING
- j. Boiler Assembly at City Hall. ENGINEERING
- k. Removal of Underground Storage Tank, Shoreline Dr. E. ENGINEERING
- l. Liquor License Request – Thomas Harris 441 W. Western CITY CLERK

2003-40 a)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 22, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 13, 2003

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 13, 2003.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Buie, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kunder. Commissioner Robert Schweifler was excused and joined in meeting at 5:30pm.

□ PRESENTATIONS:

Mayor Warmington read an announcement for National Police Week and one for National Public Works Week.

2003-40 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 22, 2003.

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 permit for July 4, 2003, at the Muskegon Country Club. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

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

c. Request to Fly Norwegian Flag CITY CLERK

SUMMARY OF REQUEST: Sons of Norway, Lodge 523 requests permission to fly the Norwegian Flag outside City Hall on Saturday, May 17, 2003, in honor of Norwegian Independence Day.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

d. Liquor License Request - Flamingo II 1163 E. Laketon CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from PNS#9, Inc. to add space to their Class C-SDM licensed business with Official Permit (Food).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

e. Installation of 10 Decorative Lights on Western Ave. PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City has available through the Enterprise Community Grant from 1994 \$30,000 earmarked for the purchase and installation of decorative lighting on Western Avenue. This purchase was approved last summer by the Enterprise Community Task Force. The Planning Department staff has been working with Consumer's Energy to select appropriate light fixtures to be installed and maintained by Consumer's. This project is the beginning of a streetscape plan the Planning Department hopes to continue with other grant money sometime in the future. City Commission needs to give their approval for the installation, since the lights will be located in the City right-of-way.

FINANCIAL IMPACT: None. The lights will be maintained by Consumers Energy.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: For the Mayor and Clerk to sign the resolution approving of the installation of the lights in the City right-of-way on Western Avenue.

COMMITTEE RECOMMENDATION: The Enterprise Community Citizen's Task Force approved this request in June of 2002.

f. Approval to Resubmit Notice of Intent (NOI) for Partnership for Traditional Neighborhood Redevelopment (ParTNeR) Program - New Project PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The NOI was submitted for the ParTNeR Program, and staff has since met with the MEDC staff. The MEDC and their partners (MSHDA and MSHPO) would like us to resubmit our project for Western Avenue. MEDC believes that Western Avenue is well into its renaissance, and a project in this area has the most chance of success at this time. In addition, they believe they can better appeal to MDOT for approval of our Enhancement Grant, if the project is on Western Avenue. The primary project identified is the redevelopment of the Boiler Works building and the small Depot, at the intersection of Western Avenue and Eighth Street. Therefore, the project proposed is to acquire the property at the SE corner of Western and Eighth, demolish

the building (which is not historic) and create parking. With the developments along Western Avenue, parking is becoming a much-needed commodity. This project would greatly assist developments in the area.

FINANCIAL IMPACT: If approved for the grant, the funds will be used to cover the costs of a consultant to conduct a plan for the identified area and to purchase two buildings on Third Street for demolition and/or renovation. In addition, funds will be used for streetscape improvements. The amount being applied for may exceed \$400,000, since the project is more costly. The local match must be 10 percent, or \$40,00 plus. The City would pledge \$20,000 in CDBG funds, and the Community Foundation for Muskegon County would pledge \$20,000 from their MSHDA funds. In addition, we can use matching funds from the Transportation Enhancement Grant, in the amount of \$271,000 and \$30,000 for the new street lighting on Western Avenue (Enterprise community funds), for our local match.

BUDGET ACTION REQUIRED: None

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

g. Brownfield Consulting Contract - Anne Couture PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has been contracting with Anne Couture, of Couture Environmental Strategies LLC, during the last five years, to assist us with our Brownfield activities. She has excellent contacts at the Department of Environmental Quality, since she worked there several years ago. She has also successfully assisted the City in securing grant funding for several projects. Ms. Couture works closely with our City Staff and Brownfield applicants for Brownfield Redevelopment Plan amendments. The fee charged for the application process helps to defray the contract costs. Funds for Ms. Couture's current contract have been expended. Therefore, the Commission is asked to approve the current proposal from Ms. Couture.

FINANCIAL IMPACT: Costs to the City will not exceed \$10,000. It is expected that this amount will allow for one to two years of service.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor to sign the proposal.

h. Cathodic Protection System DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: To replace the Cathodic Protection System at the Roberts St. elevated storage tank. To replace the Rectifier Unit at the Marshall St. elevated storage tank. To perform an inspection and calibration of the Nims St. elevated storage tank and the up flow Clarifier Systems.

FINANCIAL IMPACT: Replacement and inspection cost of \$15,980.00.

BUDGET ACTION REQUIRED: None, \$18,000.00 is budgeted for this activity.

STAFF RECOMMENDATION: Recommend that the Mayor and City Commission endorse the proposal from Corrpro Waterworks to perform the replacements and inspections.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the Consent Agenda as presented.

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

Nays: None

MOTION PASSED

2003-41 PUBLIC HEARINGS:

a. Request for the Establishment of an Industrial Development District - Motion Dynamics Corporation PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Motion Dynamics Corporation, 1818 E. Sherman Boulevard, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 1818 E. Sherman Boulevard, Muskegon, Michigan. The project will result in the creation of 2 new jobs and \$240,000 in private investment.

FINANCIAL IMPACT: Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing the Industrial Development District for Motion Dynamics Corporation.

The Public Hearing opened at 5:41pm to hear any comments for the public. No comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to close the Public Hearing at 5:44pm and to approve the resolution establishing the Industrial Development District for Motion Dynamics Corporation.

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

Nays: None

MOTION PASSED

b. Request for an Industrial Facilities Exemption Certificate (IFT) - Motion Dynamics Corporation PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Motion Dynamics Corporation, 1818 E. Sherman Boulevard, Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. The total capital investment for this project is \$240,000 in personal property and will create 2 new employment opportunities. This request qualifies Motion Dynamics Corporation for a 6-year exemption on personal property. Motion Dynamics Corporation's current workforce is 18.

FINANCIAL IMPACT: The City will capture certain additional property taxes and income taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

The Public Hearing opened at 5:46pm to hear any comments for the public. No comments were heard.

Motion by Vice Mayor Buie, second by Commissioner Spataro to close the Public Hearing at 5:46 and to approve the resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property to Motion Dynamics Corporation.

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

Nays: None

MOTION PASSED

c. Request to Establish an Obsolete Property District - Resurrection Properties, LLC. PLANNING AND DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Resurrection Properties, LLC, 2140 McCracken Muskegon Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 1871 Peck St. (former Price Cleaners), Muskegon, MI. Total capital investment for this project is \$25,000. The project will result in the creation of 8 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 1871 Peck Street, Muskegon, MI.

The Public Hearing opened at 5:49pm to hear any comments for the public. No comments were heard.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 5:52pm and to approve the resolution establishing an Obsolete Property District for 1871 Peck Street.

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

Nays: None

MOTION PASSED

d. Request to Issue an Obsolete Property Certificate - Resurrection Properties, LLC PLANNING AND DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Resurrection Properties, LLC, 2140 McCracken Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 1871 Peck Street (former Price Cleaners), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for office use. Total capital investment for this project is \$25,000. The project will result in bringing 8 jobs to the City of Muskegon. Because of these 8 new jobs, the applicant has requested an 8(eight)-year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property Certificate for 1871 Peck Street, Muskegon, MI for a term of 8 years.

The Public Hearing opened at 5:45pm to hear any comments for the public. No comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Spataro to close the Public Hearing at 5:55pm and to approve the resolution issuing an Obsolete Property Certificate for 1871 Peck Street for a term of eight (8) years.

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

Nays: None

MOTION PASSED

e. Create a Special Assessment District for Alpha Ave., Commerce St. to Jefferson St. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Alpha, Commerce to Jefferson Project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:55pm to hear any comments for the public. No comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Spataro to close the Public Hearing at 5:57pm and adopt the resolution to create the special assessment district for Alpha, Commerce to Jefferson Project and appoint Commissioner Spataro and Vice Mayor Buie to the Board of Assessors.

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

Nays: None

MOTION PASSED

f. Create a Special Assessment District for Franklin St., Washington Ave. to Michigan Ave. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Franklin, Washington to Michigan Project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:58pm to hear any comments for the public. No comments were heard.

Motion by Vice Mayor Buie, second by Commissioner Spataro to close the Public Hearing at 6:00pm and adopt the resolution to create the special assessment district for Franklin, Washington, to Michigan Project and appoint Commissioner Larson and Mayor Warmington to the Board of Assessors.

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

Nays: None

MOTION PASSED

2003-42 NEW BUSINESS:

a. Special Election Agreement - Casino Gaming CITY MANAGER

SUMMARY OF REQUEST: To approve an agreement with Archimedes CBD, LLC/Group One for payment of costs associated with a special election regarding casino gaming. This request is also to approve setting the date of the election for September 9, 2003.

FINANCIAL IMPACT: None. The cost of the election will be reimbursed by Archimedes CBD, LLC/Group One.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement with Archimedes CBD, LLC/Group One and set the date of the election for September 9, 2003.

Motion by Commissioner Larson, second by Commissioner Spataro to approve the agreement with Archimedes CBD, LLC/Group One and set the date of the Election for September 9, 2003.

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

Nays: None

MOTION PASSED

b. Veterans Park Maintenance CITY MANAGER

SUMMARY OF REQUEST: To approve an agreement between the City of North Muskegon, the County of Muskegon, and the City of Muskegon for the maintenance of Veterans Park.

FINANCIAL IMPACT: The cost for 2003 is estimated at \$15,000.

BUDGET ACTION REQUIRED: A budget adjustment for 2003 will be necessary to accommodate the City's costs per this agreement.

STAFF RECOMMENDATION: To approve the term sheet and authorize the Mayor and City Clerk to sign a formalized agreement approved by the City Manager and City Attorney.

Motion by Commissioner Spataro, second by Vice Mayor Buie to approve the Term Sheet for Maintenance of Veterans Park and to authorize the Mayor and City Clerk to sign a formalized agreement to be approved by the City Manager and City Attorney.

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

Nays: None

MOTION PASSED

c. First Reading - Rezoning Request for Properties Located within 'Area 10b' PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone many of the properties located within 'Area 10b' (bounded by Washington Ave., Seaway Dr., Southern Ave., and Peck St.).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at the 4/10 meeting, with one change in the proposed zoning. They recommended that the six lots facing Peck St., in Block 423 are rezoned to R-1, Single-Family Residential instead of RM-1, Low Density Multiple-Family Residential. The vote was unanimous with J. Aslakson absent.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the request to rezone designated properties within 'Area 10b', bounded by Washington Ave., Seaway Dr., Southern Ave. and Peck St..

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

Nays: None

MOTION PASSED

d. Relocation of Power Line - Terrace Lot PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: It is necessary at some point to relocate the Consumer's power line located at the NW corner of the Terrace Lot property owned by the City. If the City works with Westwood (who owns the adjacent property) to relocate the lines at the present time, the total cost will be approximately \$246,000 (with a possible 3-5% inflation increase). Westwood has agreed to pay for \$100,000, or a 40% contribution of the cost. If the City chooses not to participate at this time, the cost to relocate the power line in the future will be \$246,000 plus. This cost will be necessary for a future owner to develop the property, and thus, will be an added expense for them after purchasing the lot from the City.

FINANCIAL IMPACT: If the City were to participate at this time, under the terms outlined in the correspondence from Westwood, the cost would be approximately \$146,000 (plus an additional 3-5% possible, due to inflation since Consumers first quoted this cost). It is anticipated that this cost will be recouped from the future sale of the property.

BUDGET ACTION REQUIRED: The City has no fund identified to cover the cost at this time.

STAFF RECOMMENDATION: To deny the request, as proposed by Westwood.

Motion by Commissioner Larson, second by Commissioner Gawron to enter into an agreement with Westwood for the relocation of Consumers Energy power line on the

Terrace lot, and furthermore, this agreement is conditional on granting the necessary easements to install the power line system along the Westwood property and the City property.

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

Nays: None

MOTION PASSED

e. Recommendations to the Public Relations Committee. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: Concur with the Community Relations Committee to approve the following:

1. Resignation of Dan Narowitz from the Zoning Board of Appeals
2. Resignation of Jill Montgomery from the District Library Board
3. Removal of Stanley Hussey from the Housing Commission Board with concurrence of the City Manager.
4. Appoint Jill Montgomery and Pat Strum to the Public Relations Board

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Community Relation Committee and their recommendations.

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

Nays: None

MOTION PASSED

f. Natural Gas to Lakefront Development. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to sign the enclosed agreement with DTE Energy/Michcon to provide and install the necessary lines carrying natural gas for the entire development. The agreement would be signed, if authorized, with option 2 for a total cost not to exceed \$162,903.

FINANCIAL IMPACT: The cost to construct the necessary lines within the development is estimated at \$162,903.

BUDGET ACTION REQUIRED: None at this time. The cost will be borne by the CMI grant to the extent available/approved and overage via special assessment to the development as per property transfer agreement.

STAFF RECOMMENDATION: Authorize staff to sign the agreement and issue a notice to proceed to Michcon to perform the necessary work.

Motion by Commissioner Gawron, second by Commissioner Schweifler to authorize staff to sign the agreement with DTE Energy/MichCon to provide and install natural gas lines to Lakefront Development.

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

Nays: None

MOTION PASSED

g. Easement to Consumer Energy. ENGINEERING

SUMMARY OF REQUEST: Consumers Energy is requesting an easement across lots 1,2 & 3 of Block 557 to relocate their high voltage lines to accommodate the construction of Shoreline Dr. This high voltage line has a pole that is setting in the middle of the proposed intersection of Shoreline Dr. and Terrace St.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Grant easement with the condition that it will be vacated when the lines are no longer present within.

Motion by Commissioner Larson, second by Vice Mayor Buie, that subject to necessity of an easement, grant easement of lots 1,2 & 3 of Block 557 to Consumers Energy, with the condition that it will be vacated when the lines are no longer present within.

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

Nays: None

MOTION PASSED

h. Change Order to Washington, Franklin to Lakeshore Dr. Project. ENGINEERING

SUMMARY OF REQUEST: It is respectfully requested that if the special assessment district is established for Franklin, Washington to Michigan, the items of work to reconstruct Franklin be added onto the contract with Prince Bridge & Marine for the Washington St., Franklin to Lakeshore Dr. Project.

The estimated value of this proposed change is \$75,487.50, which when compared with the other contractors who bid on the Washington St. project was found to be the lowest.

FINANCIAL IMPACT: The construction cost of \$75,487.50 plus associated engineering cost.

BUDGET ACTION REQUIRED: This project if approved will be added to the list of projects in the next quarterly update.

STAFF RECOMMENDATION: Approve the change order.

Motion by Commissioner Spataro, second by Commissioner Larson to approve the change order to Washington, Franklin to Lakeshore Dr. Project.

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

Nays: None

MOTION PASSED

i. Air-conditioner Units in the P.D. at City Hall. ENGINEERING

SUMMARY OF REQUEST: Authorization to enter into a \$31,949.45 contract with Bowen Refrigeration & Heating, out of Muskegon (1152 Getty St.) to install five (5) air-condition units. Four of those units will be installed in the Police Department at City Hall and one will be installed at McGraft Park.

The City Hall units are needed to supplement the inadequate air from the Police Department air handler.

FINANCIAL IMPACT: The cost of \$31,949.45 which includes purchasing and installing the units.

BUDGET ACTION REQUIRED: None at this time. The cost of the P.D. units was anticipated and budgeted for. The cost of the McGraft Park Unit (\$2,730.00 will be out of the McGraft Park Fund.

STAFF RECOMMENDATION: Authorize staff to enter into a contract with Bowen for the purchase and installation of all five units.

Motion by Commissioner Gawron, second by Vice Mayor Buie to authorize staff to enter into a contract with Bowen Refrigeration and Heating for the purchase and installation of five (5) air-conditioner units.

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

Nays: None

MOTION PASSED

j. Boiler Assembly at City Hall. ENGINEERING

SUMMARY OF REQUEST: Authorization to enter into a \$29,162 contract with Monarch Welding & Engineering of Muskegon (519 W. Hackley), to purchase and install a 1,000,000 BTU on the high end and 280,000 BTU on the low end. This boiler will be used during spring, summer and fall instead of the existing boilers which require more electricity and gas.

The installation of this type of boiler was part of the Energy Audit recommendation that was performed two years ago. The expected pay back was estimated at 12 years.

FINANCIAL IMPACT: The cost of \$29,162 which includes purchasing and installing the units.

BUDGET ACTION REQUIRED: None at this time. The cost of was anticipated and budgeted for.

STAFF RECOMMENDATION: Authorize staff to enter into a contract with Monarch Welding and Engineering for the purchase and installation of the boiler.

Motion by Vice Mayor Buie, second by Commissioner Spataro to authorize staff to enter into a contract with Monarch Welding and Engineering for the purchase and installation of a boiler for City Hall.

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

Nays: None

MOTION PASSED

k. Removal of Underground Storage Tank, Shoreline Dr. E. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Young's Environmental Cleanup, Inc. (recommendation from Fleis & VandenBrink Engineering, Inc) to remove the unexpected UST found during the pavement removal for the Shoreline Dr. project in the area between Eastern, Clay, Cedar & Western. Unless there are additional tanks or other unexpected discoveries, the agreement, if authorized, would be signed for a total estimated cost of \$10,053.65.

FINANCIAL IMPACT: The estimated cost of \$10,053.65.

BUDGET ACTION REQUIRED: None at this time. The cost is expected to be an eligible expenditure borne by the MDOT Grant to the extent available and approved.

STAFFA RECOMMENDATION: Authorize staff to enter into an agreement with Young's Environmental Cleanup, Inc. to perform the necessary work.

Motion by Commissioner Spataro, second by Commissioner Gawron to authorize staff to enter into an agreement with Young's Environmental Cleanup, Inc. for the removal of an Underground Storage Tank in the area between Eastern, Clay, Cedar and Western, found during the Shoreline Dr. Project.

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

Nays: None

MOTION PASSED

l. Liquor License Request - Thomas Harris 441 W. Western CITY CLERK

SUMMARY OF REQUEST: Thomas Harris previously requested a Class C license under the Downtown Development Authority. This request is to add a Dance-Entertainment Permit, Official Permit (food), Outdoor Service Permit, Five Direct Connections, and two bars to be located at 441 E. Western Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve request for the Liquor License for Thomas Harris, 441 W. Western Ave.

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

Nays: None

MOTION PASSED

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:00pm.

Respectfully submitted,



Gail Kunding, MMC

2003-40 b)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Muskegon Country Club

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc., is requesting approval of a fireworks display permit for July 4, 2003, at the Muskegon Country Club. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

PERMIT FOR FIREWORKS DISPLAY

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.

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

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

DATE OF APPLICATION

4-29-03

 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 21 or over

IF A CORPORATION: Name or President

Michael Cartolano

ADDRESS

P.O. Box 302, Kingsbury, IN 46345

3. PYROTECHNIC OPERATOR

NAME

Mike Vanloo

ADDRESS

P.O. Box 123, Belding, MI

AGE: Must be 21 or over

34

EXPERIENCE:

NUMBER OF YEARS

14

NUMBER OF DISPLAYS

250+

WHERE

Michigan, IL, Indiana, KY, OH

NAMES OF ASSISTANTS:

NAME

John Klapko

ADDRESS

P.O. Box 123, Belding, MI

AGE

40

NAME

Scott Ferman

ADDRESS

P.O. Box 123, Belding, MI

AGE

36

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

 Muskegon Country Club 2801 Lakeshore Drive, Muskegon
 DATE July 4, 2003 TIME dusk, approx 10:00 p.m.

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

 Approximately 1,200 aerial display shells ranging from 1 1/4
 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)

7. FINANCIAL RESPONSIBILITY

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

\$ 5,000,000.00

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

Britton-Gallagher & Assoc.

ADDRESS

6240 Som Center Rd, Cleveland OH

(See other side for instructions)

44139

PAGE 02

ACORD. CERTIFICATE OF LIABILITY INSURANCE				DATE (MM/DD/YY) 04/04/03																																																			
PRODUCER Britton-Gallagher & Associates, Inc. 6240 SOM Center Road Boston, OR 97229 5019 Street P.O. Box 102 Kingbury, IN 46345		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.																																																					
INSURERS AFFORDING COVERAGE INSURER A: Lexington Insurance Company INSURER B: INSURER C: INSURER D: INSURER E:		COVERAGE THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.																																																					
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DESCRIPTION OF OPERATION, LOCATION, EXCLUSIONS AND BY ENDORSEMENT, SPECIAL PROVISIONS DISCLOSURE DATE: July 4, 2003 LOCATION: Muskegon Country Club - Muskegon, Michigan ADDITIONAL INSURED: Muskegon Country Club; City of Muskegon, Michigan; Mr. Ron Whorton																																																							
AMENDED 5/9/03 TO INCLUDE AS CERTIFICATE HOLDER: City of Muskegon, Michigan																																																							
CERTIFICATE HOLDER Muskegon Country Club Mr. Ron Whorton 2801 Lakeshore Drive Muskegon, MI 49441		ADDITIONAL CERTIFICATE HOLDER City of Muskegon, MI		CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE HEREOF, THE ISSUING INSURER WILL endeavor to MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE:																																																			

FM-51 (3-98)
MICHIGAN STATE POLICE
FIRE MARSHAL DIVISION

APPLICATION FOR FIREWORKS DISPLAY PERMIT

☒ PUBLIC DISPLAY	☐ AGRICULTURAL PEST CONTROL	Date of Application 04/24/03
Name of Applicant MELROSE PYROTECHNICS, INC.	Address P.O. BOX 302, KINGSBURY, IN 46345	Age (18 or over)
If a Corporation, Name of President MICHAEL CARTOLANO	Address P.O. BOX 302, KINGSBURY, IN 46345	
If a Non-resident Applicant: Name of MI Attorney or Resident Agent MIKE VAN LOO	Address P.O. BOX 123, BELDING, MI 48809	Phone No. (616) 794-0205
Name of Pyrotechnic Operator MIKE VAN LOO	Address P.O. BOX 123, BELDING, MI 48809	Age (18 or over) 34
No. Years Experience No. Displays 14 YEARS 250+	Where MICHIGAN, ILLINOIS, INDIANA, KENTUCKY, OHIO	
Name of Assistant: JOHN KLAPKO	Address P.O. BOX 123, BELDING, MI 48809	Age 40
Name of Other Assistant: SCOTT FERMAN	Address P.O. BOX 123, BELDING, MI 48809	Age 36
Exact Location of Proposed Display <i>Muskegon Country Club Grounds</i>		
Date of Proposed Display July 4, 2003 Time of Proposed Display Dusk - Approximately 10:00 pm		
No. Of Fireworks	Kind of Fireworks to be Displayed	
<i>Approximately 1200</i>	<i>Aerial display shells ranging in size from 1 1/4 inches to 8 inches in diameter for each display date.</i>	
Manner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities)		
<i>NO STORAGE NECESSARY, DELIVERED ON DATE OF DISPLAY</i>		
Amount of Bond of Insurance (to be set by local gov't) \$5,000,000.00		Name of Bonding Corporation or Insurance Company BRITTON-GALLAGHER & ASSOCIATES
Address of Bonding Corporation or Insurance Company 6240 SOM CENTER RD., CLEVELAND, OH 44139		
Signature of Applicant <i>Ruthy McWhorter</i> For Melrose Pyrotechnics, Inc.		

Authority: 1988 PA 359
Compliance: Voluntary but a permit will not be issued without an application.

FM-49 (6099)
MICHIGAN STATE POLICE
FIRE MARSHAL DIVISION

PERMIT FOR FIREWORKS DISPLAY

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

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Issued To MELROSE PYROTECHNICS, INC.		Age (18 or over)
Address P.O. BOX 123, BELDING, MI 48809		
Name of Organization, Group, Firm, or Corporation Muskegon Country Club		
Address 2801 Lakeshore Drive - Muskegon, Michigan		
Number and Types of Fireworks Approximately 1,200 aerial display shells ranging from 1 1/4 inches to 8 inches in diameter.		
Exact Location of Display 2801 Lakeshore Drive		
City, Village, Township Muskegon	Date July 4, 2003	Time Approximately 10:00 pm
Bond or Insurance Filed? ☒ Yes ☐ No		Amount \$5,000,000.00

Issued by action of the ☐ council ☐ commission ☐ board of the

☐ city ☐ village ☐ township of _____
(Name of City, Village, Township)

on the _____ day of _____

(Signature and Title of Council/Commission/Board Representative)

AUTHORITY:	1968 PA 358
COMPLIANCE:	Required
PENALTY:	Misdemeanor

2003-40 c)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Request to Fly the Norwegian Flag

SUMMARY OF REQUEST: Sognefjord Lodge 523 (Sons of Norway) requests permission to fly the Norwegian Flag outside City Hall on Saturday, May 17, 2003, in honor of Norwegian Independence Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

May 6, 2003

City of Muskegon
Clerk's Office

On behalf of Sognefjord Lodge 523 (Sons of Norway), I am requesting that our lodge be able to fly the flag of Norway on the weekend of May 17, 18, 2003. Saturday, May 17th is Norwegian Independence Day, and our lodge will be celebrating it on that day. If it is possible we would like to display the flag in the front of City Hall, facing Terrace Street.

Our lodge officers are as follows:

President: Larry Bringedal, 2358 Spruce St., Muskegon, MI 49444

Vice President: Gordon Gutowski, 5130 Davis Rd., Muskegon, MI 49441

Secretary: Louise Engle, 4235 Doral Dr., Muskegon, MI 49442

Fin. Secretary: Jordis Hutchins, 2734 Patricia Dr, Muskegon, MI 49445

Our lodge is located at 420 Harvey Street, Muskegon, MI 49442, we are a Fraternal Benefit Organization, and have our 501(c)3 designation as a non-profit organization. I, Larry Bringedal, will be responsible for the flags condition and presentation.

Thank you for your consideration in this matter.

Sincerely,



Larry Bringedal
President, Sognefjord Lodge 523

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Flamingo II
1163 E. Laketon

2003-40d).

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from PNS#9, Inc. to add space to their Class C-SDM licensed business with Official Permit (Food).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Muskegon Police Department

Anthony L. Kleibecker

Chief of Police



980 Jefferson Street P.O. Box 536 Muskegon Michigan 49443-0536
(231) 724-6750 (231) 722-5140 fax
www.muskegonpolice.com

March 18, 2002

To: The City Commission through the City Manager

From: *Anthony L. Kleibecker*
Anthony L. Kleibecker, Chief of Police

Re: Request of Add Space to 1163 E. Laketon Ave, Muskegon, MI.

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant PNS#9, Inc. for Add Space in 2001 Class C-SDM licensed business with Official Permit (food).

The listed location is that of Flamingo II bar and restaurant. Anita Loera is the license holder and her father, Al Loera is the current owner. We have spoken with Mr. Loera who stated that approximately two (2) years ago the business was in need of a larger walk-in cooler/freezer. The proper building permits were obtained from the City of Muskegon and an addition was added to the business for the coolers. Mr. Loera stated that he was not advised that L.C.C. needed notification of this addition. After the addition was completed and some time had gone by, L.C.C. did an inspection of the building and discovered that they had not given permission for the addition. This request form is in need of completion in order to have the proper forms on file with L.C.C.

After speaking with Mr. Loera we find no reason to deny this request.

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 3-11-02

Re: Request of Add Space to 1163 E. Laketon Ave, Muskegon, MI.

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant PNS#9, Inc. for Add Space in 2001 Class C-SDM licensed business with Official Permit (food).

The listed location is that of Flamingo II bar and restaurant. Anita Loera is the license holder and her father, Al Loera is the current owner. I spoke with Al Loera who stated that approximately two (2) years ago the business was in need of a larger walk-in cooler/freezer. The proper building permits were obtained from the City of Muskegon and an addition was added to the business for the coolers. Mr. Loera stated that he was not advised that L.C.C. needed notification of this addition. After the addition was completed and some time had gone by, L.C.C. did an inspection of the building and discovered that they had not given permission for the addition. This request form is in need of completion in order to have the proper forms on file with L.C.C.

After speaking with Mr. Loera I find no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/Loera2

Michigan Department of Consumer & Industry Services

LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

To: Muskegon Police Department

Chief of Police

~~2715 Baker Street~~

Muskegon MI ~~49444~~

January 17, 2002

REQ #: 140875

980 JEFFERSON
P.O. BOX 536

49443-0536

Chief Law Enforcement Officer

Applicant:

PNS#9, INC. requests to Add Space in 2001 Class C-SDM licensed business with Official Permit (Food), located at 1161-1163 E Laketon, Muskegon MI 49442, Muskegon County.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

Please include fingerprint cards and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 9/17
4880-1658

ljt

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning/Zoning
(231)724-6782
FAX: (231)724-6798

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

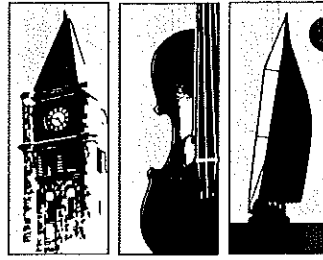
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

May 19, 2003

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: #140875
1161-1163 E. Laketon
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is form LC-1800 which is signed by the Police Chief.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

REQ ID# 140875 *J.S.H. 1-22-02*
Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

PNS#9, INC., 1161-1163 E Laketon, Muskegon MI 49442, Muskegon County

REQUEST FOR:

Add Space in 2001 Class C-SDm licensed business with Official Permit (food)

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

Contact: Attorney Michael L. Rolf

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

phone (231) 722-1621

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.

Investigation of Business and Address to be Licensed

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

Does applicant intend to have dancing or entertainment?

☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3.

Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (Attach a signed and dated report if more space is needed)

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No

2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No

3. Should this request be granted by the Commission? ☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

A. L. K...
Signature (Sheriff or Chief of Police)

3-18-02
Date

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: _____

Business Address: 1163 E Laketon
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space

Deadline for receipt of all information: 4-1-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature GLK

Gail A. Kunderinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: _____

Business Address: 1163 E Laketon
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space

Deadline for receipt of all information: 4-1-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

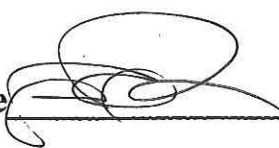
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kunderger, City Clerk
Liquor License Coordinator

RECEIVED

MAR 20 2002

CITY OF MUSKEGON
PLANNING DEPARTMENT

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: _____

Business Address: 1163 E Laketon
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space

Deadline for receipt of all information: 4-1-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Bush M. [Signature]

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: _____

Business Address: 1163 E Laketon
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space

Deadline for receipt of all information: 4-1-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Allen Ten Bunt

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: _____

Business Address: 1163 E Laketon
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space

Deadline for receipt of all information: 4-1-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects need to schedule
reinspection, did not pass
original liquor license inspection

Department Signature

Mary M. [Signature]

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: _____

Business Address: 1163 E Laketon
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space

Deadline for receipt of all information: 4-1-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Leblanc

Gail A. Kunding, City Clerk
Liquor License Coordinator

Commission Meeting Date: May 13, 2003

2003-40 e)

Date: May 2, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Installation of 10 Decorative Lights on Western Avenue

SUMMARY OF REQUEST:

The City has available through the Enterprise Community grant from 1994 \$30,000 earmarked for the purchase and installation of decorative lighting on Western Avenue. This purchase was approved last summer by the Enterprise Community Task Force. The Planning Department staff has been working with Consumer's Energy to select appropriate light fixtures to be installed and maintained by Consumer's. Attached is a picture of the three lamp styles we have to choose from. This project is the beginning of a streetscape plan the Planning Department hopes to continue with other grant money sometime in the future. City Commission needs to give their approval for the installation, since the lights will be located in the City right-of-way.

FINANCIAL IMPACT:

None. The lights will be maintained by Consumer's Energy.

BUDGET ACTION REQUIRED:

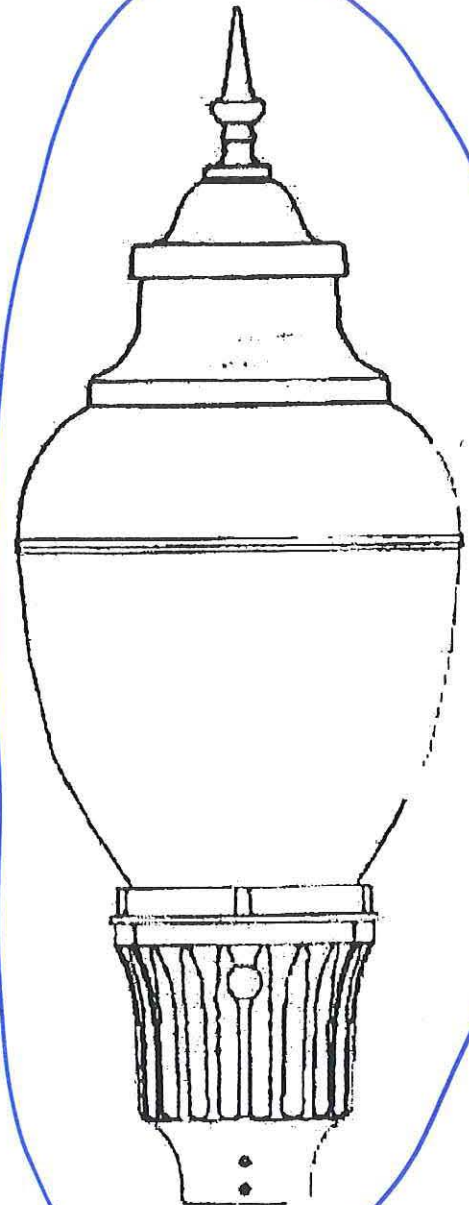
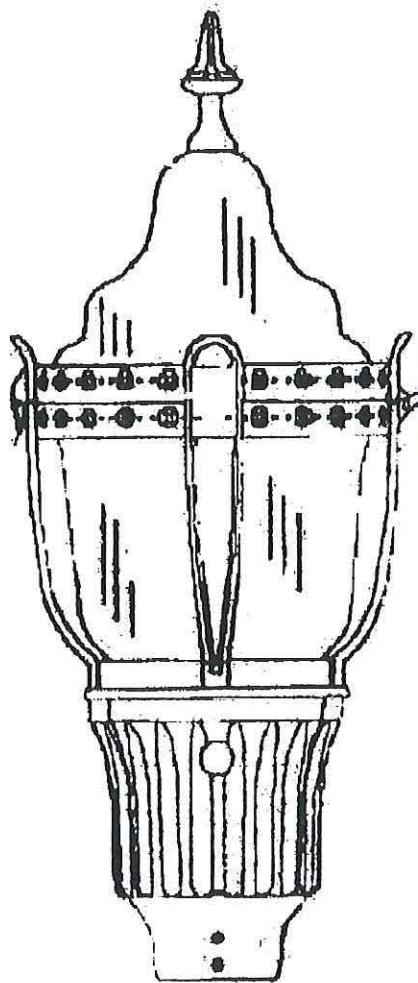
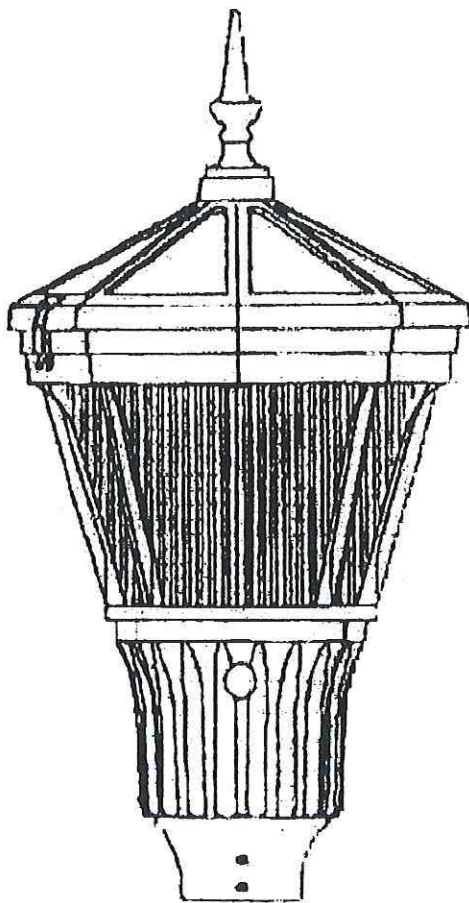
None.

STAFF RECOMMENDATION:

For the Mayor and Clerk to sign the attached resolution approving of the installation of the lights in the City right-of-way on Western Avenue.

COMMITTEE RECOMMENDATION:

The Enterprise Community Citizen's Task Force approved of this request in June of 2002.



MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING INSTALLATION OF
DECORATIVE LIGHTING IN THE CITY RIGHT-OF-WAY**

WHEREAS; the City of Muskegon has \$30,000 of available funds from the Enterprise Community grant, and

WHEREAS, the Enterprise Community Task Force approved the expenditure of these funds for decorative lighting on Western Avenue at their June, 2002 meeting; and

WHEREAS, the lights will be installed and maintained by Consumer's Energy; and

WHEREAS, the lights will be located within the City of Muskegon's right-of-way on Western Avenue between Sixth and Fourth Streets; and

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that the City Commission approves of the installation of 10 decorative street lights within the City of Muskegon's right-of-way on Western Avenue between Sixth Street and Fourth Street.

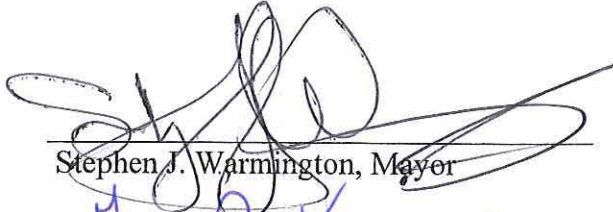
Adopted this 13th Day of May 2003

Ayes: 7

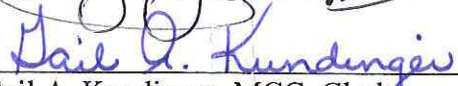
Nays: 0

Absent: 0

BY:


Stephen J. Warmington, Mayor

ATTEST:


Gail A. Kunderger, MCC, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on May 13, 2003.


Gail A. Kunderger, MCC, Clerk

Commission Meeting Date: May 13, 2003

2003-40 f)

Date: May 6, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Approval to resubmit Notice of Intent (NOI) for
Partnership for Traditional Neighborhood
Redevelopment (ParTNeR) Program- New Project

SUMMARY OF REQUEST: The NOI was submitted for the ParTNeR Program, and staff has since meet with the MEDC staff. The MEDC and their partners (MSHDA and MSHPO) would like us to resubmit our project for Western Avenue. MEDC believes that Western Avenue is well into it's renaissance, and a project in this area has the most chance of success at this time. In addition, they believe they can better appeal to MDOT for approval of our Enhancement Grant, if the project is on Western Avenue. The primary project identified is the redevelopment of the Boiler Works building and the small Depot, at the intersection of Western Avenue and Eighth Street. Therefore, the project proposed is to acquire the property at the SE corner of Western and Eighth, demolish the building (which is not historic) and create parking. With the developments along Western Avenue, parking is becoming a much-needed commodity. This project would greatly assist developments in the area.

FINANCIAL IMPACT: If approved for the grant, the funds will be used to cover the costs of a consultant to conduct a plan for the identified area (see map attached) and to purchase two buildings on Third Street for demolition and/or renovation. In addition, funds will be used for streetscape improvements. The amount being applied for may exceed \$400,000, since the project is more costly. The local match must be 10 percent, or \$40,000+. The City would pledge \$20,000 in CDBG funds, and the Community Foundation for Muskegon County would pledge \$20,000 from their MSHDA funds. In addition, we can use matching funds from the Transportation Enhancement grant, in the amount of \$271,000 and \$30,000 for the new streetlighting on Western Avenue (Enterprise Community funds), for our local match.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: None.

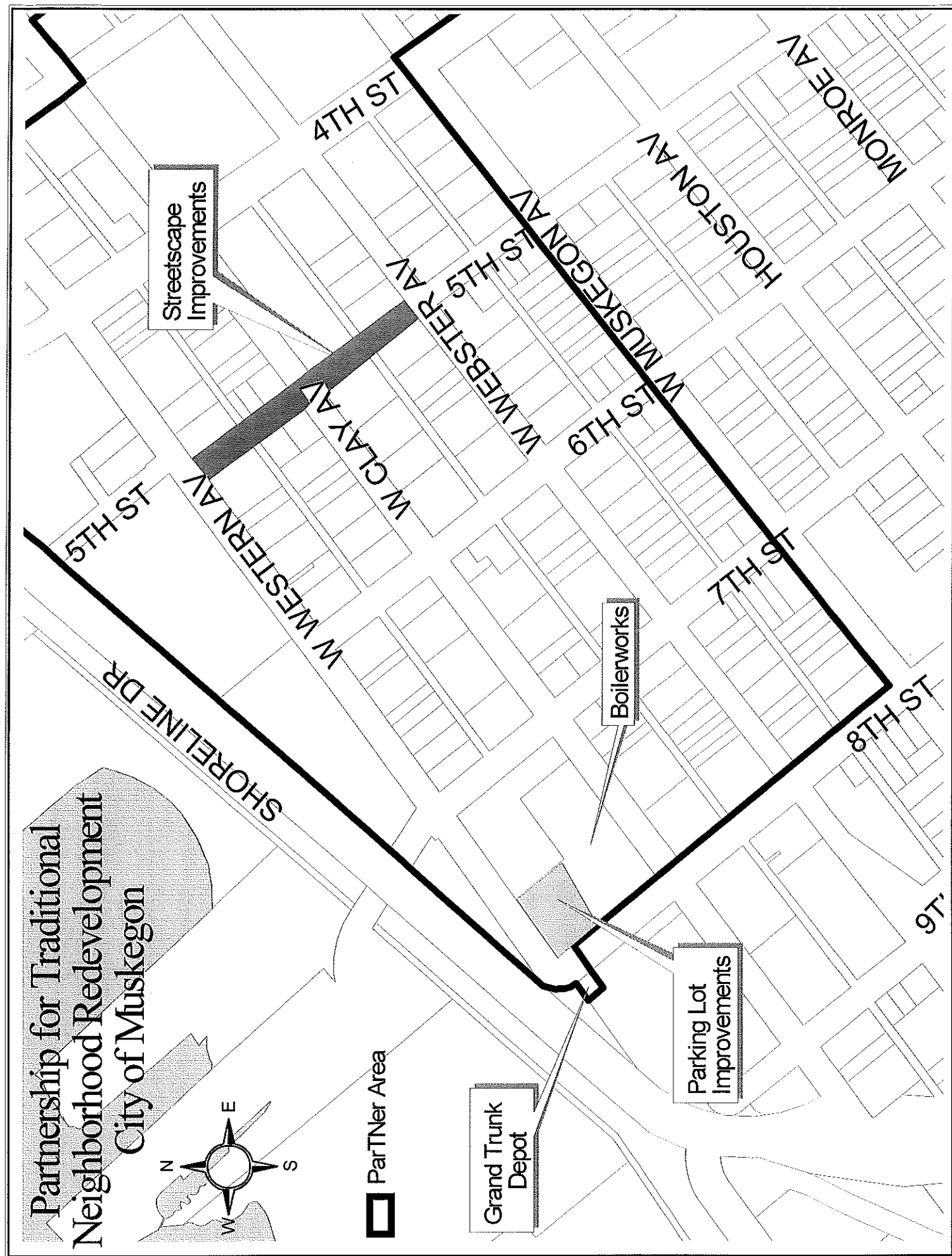
PartNER Area

Grand Trunk
Depot

Parking Lot Improvements

Boilerworks

Streetscape Improvements



MUSKEGON CITY COMMISSION

RESOLUTION AUTHORIZING THE SUBMITTAL OF A
NOTICE OF INTENT TO PARTICIPATE IN THE STATE PARTNERSHIP FOR TRADITIONAL
NEIGHBORHOOD REDEVELOPMENT (ParTNeR) PROGRAM

WHEREAS, the Michigan Economic Development Corporation (MEDC), in partnership with the Michigan State Housing Development Authority (MSHDA) and the State Historic Preservation Office (SHPO), is requesting Notice of Intent (NOI) submissions for the ParTNeR program; and

WHEREAS, the City of Muskegon has been invited to submit a NOI, as the central city of the County of Muskegon; and

WHEREAS, funds are available through the Community Development Block Grant Program, through the County of Muskegon, for economic development infrastructure projects, and

WHEREAS, the proposed area for the ParTNeR program includes the commercial corridors along Western Avenue between Third and Eighth Streets; and Third Street between Western Avenue and Merrill Streets, and the residential areas bounded by Third Street, Muskegon Avenue, Shoreline Drive and Eight Street; and

WHEREAS, it is the intention of the City that the Project will include a comprehensive neighborhood revitalization planning process, as well as an infrastructure project that involves the acquisition of property at the SE corner of Western Avenue and Eighth Street, with the building to be demolished, and parking lot improvements made, and streetscape improvements added along Fifth Street, between Webster and Western Avenues;

NOW, THEREFORE, BE IT RESOLVED, THAT the City Commission authorizes staff to submit an NOI to the MEDC, and if approved for the ParTNeR project, to coordinate the project with the County of Muskegon and the Community Foundation of Muskegon County,

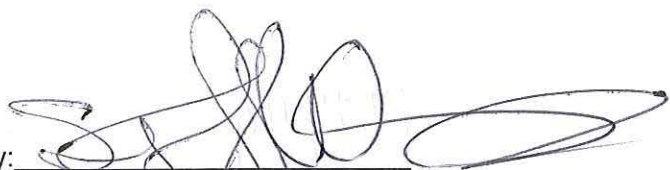
AND, BE IT FURTHER RESOLVED, THAT the City Commission authorizes the expenditure of \$20,000 in CDBG funds to be used towards the match, if the grant is approved by the MEDC for the project.

Adopted this 13th of May, 2003

AYES: 7

NAYS: 0

ABSTAIN: 0

By: 

Stephen J. Warmington, Mayor

Attest: 

Gail Kunderger, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on **May 13, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunding
Gail A. Kunding, City Clerk

2003⁴⁰-9)

Commission Meeting Date: May 13, 2003

Date: April 28, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Brownfield Consulting Contract- Anne Couture

SUMMARY OF REQUEST: The City of Muskegon has been contracting with Anne Couture, of Couture Environmental Strategies LLC, during the last five years, to assist us with our Brownfield activities. She has excellent contacts at the Department of Environmental Quality, since she worked there several years ago. She has also successfully assisted the City in securing grant funding for several projects. Ms. Couture works closely with our City Staff and brownfield applicants for Brownfield Redevelopment Plan amendments. The fee charged for the application process helps to defray the contract costs. Funds for Ms. Couture's current contract have been expended. Therefore, the Commission is asked to approve the current proposal from Ms. Couture.

FINANCIAL IMPACT: Costs to the City will not exceed \$10,000. It is expected that this amount will allow for one to two years of service.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor to sign the proposal.

COMMITTEE RECOMMENDATION: None.



Couture

Environmental Strategies LLC

2003-40 (g)

RECEIVED
APR 10 2003
CITY OF MUSKEGON
PLANNING DEPARTMENT

April 7, 2003

Ms. Cathy Brubaker-Clarke
Director of Community and Economic Development
City of Muskegon
PO Box 536
Muskegon, MI 49443-0536

Re: Proposal for Continuation of Services
Brownfield Redevelopment Activities

Dear Cathy:

Couture Environmental Strategies LLC is pleased to submit this proposal to the City of Muskegon ("City") to continue to provide the City with assistance on various brownfield redevelopment activities. This effort primarily involves working with the City, developers, businesses, and state officials to utilize all available brownfield redevelopment tools that provide incentives to redevelop brownfield properties within the City. This includes adding sites to the Muskegon Brownfield Plan through amendments to the Plan, as well as pursuing additional grants and loans that may become available to the City to facilitate its brownfield redevelopment efforts.

Scope of Work

The Scope of Work for the proposed services of Couture Environmental Strategies LLC includes the following:

- Based on referrals obtained from the City, work with developers, property owners, their attorneys and environmental consultants to evaluate the eligibility of properties to be included in the City of Muskegon's Brownfield Plan.
- Provide recommendations to the City regarding Brownfield Plan amendments, or recommend use of other incentives available to the City to redevelop Brownfield properties.
- Upon concurrence by the City or its Brownfield Authority, prepare amendments to the Brownfield Plan, with advice and counsel from City attorneys.
- Prepare brownfield grant or loan applications, as directed by the City.
- Undertake other brownfield redevelopment activities as directed by the City.

Cost Estimate

The services of Couture Environmental Strategies LLC will be billed to the City on an hourly basis; my 2003 hourly rate is \$150/hour. Time will be billed based on actual hours worked and direct costs incurred. Costs to the City for these services will not exceed \$10,000 unless specifically authorized by the City. This amount of funding is likely to be sufficient to fund over a year of brownfield redevelopment support activities.

Agreement

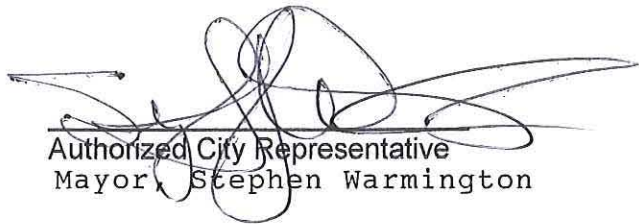
Attached to the letter are Provisions for Representation by Couture Environmental Strategies LLC ("Provisions"). This letter and the attached Provisions constitute a contractual agreement for services. If these terms and conditions are acceptable, I would appreciate your acknowledging acceptance of them by signing and returning the enclosed copy of this letter. Please don't hesitate to call if you have any questions.

Sincerely,



Anne P. Couture
Couture Environmental Strategies LLC

Agreed and Accepted



Authorized City Representative
Mayor, Stephen Warmington

May 13, 2003

Date

Attachment

PROVISIONS FOR REPRESENTATION BY
COUTURE ENVIRONMENTAL STRATEGIES LLC

Except as modified by an engagement letter, the following provisions will apply to the relationship between Couture Environmental Strategies LLC and each of its clients:

1. Fees for services rendered will be based on the reasonable value of those services. Fees will be based primarily on standard hourly billing rates and the numbers of hours worked. Couture Environmental Strategies LLC will adjust billing rates from time to time.
2. Time for which a client will be charged will include, among other things, telephone and office conferences with the client, consultants, regulators, public officials, developers, prospective purchasers, and others; research; report preparation; document review and comment; drafting of letters, memoranda and other documents; and travel time.
3. In addition to fees, costs and expenses incurred in performing services may be billed, including photocopying, postage, travel (mileage, meals, lodging), faxes, and other similar costs and expenses.
4. Although fees or costs are estimated, these estimates are subject to unforeseen circumstances and are by their nature inexact. CES LLC will not be bound by any estimates except to the extent expressly set forth in the engagement letter.
5. Fees and expenses will be billed monthly.
6. A client shall have the right to terminate our services and representation upon written notice. Such termination, however, will not relieve the client of the obligation to pay for all services rendered and costs or expenses paid or incurred on behalf of the client prior to termination.
7. In recognition of the relative risks, rewards and benefits of the Project to both the Client and CES LLC, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, CES LLC total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed CES LLC total fee for services rendered on this project. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

2003-40-h)

Date: May 13, 2003
To: Honorable Mayor and City Commission
From: DPW – Water Filtration Plant
RE: Cathodic Protection System

SUMMARY OF REQUEST:

To replace the cathodic protection system at the Roberts St. elevated storage tank. To replace the rectifier unit at the Marshall St. elevated storage tank. To perform an inspection and calibration of the Nims St. elevated storage tank and the upflow clarifier systems.

FINANCIAL IMPACT:

Replacement and inspection cost of \$15,980.00.

BUDGET ACTION REQUIRED:

None, \$18,000.00 is budgeted for this activity.

STAFF RECOMMENDATION:

Recommend the Mayor and City Commission endorse the proposal from Corrpro Waterworks to perform the replacements and inspections.

MEMORANDUM

5/7/03

TO: R. KUHN, DPW

FROM: R. VENEKLASSEN, WFP

**RE: CATHODIC PROTECTION SYSTEM REPLACEMENT AND
INSPECTION – ELEVATED TANKS & CLAIRIFIERS**

BACKGROUND

The City's three one-million gallon elevated storage tanks and the two upflow clairifiers at the Water Filtration Plant are equipped with cathodic protection systems. These systems are designed to change the flow of electrical current (electrons) from the steel structure to sacrificial anodes. This process deters the corrosion, or rusting, of the immersed steel. Thereby, retaining the integrity of the structure where it is in contact with the water. The elevated tank systems have been in service for over 24 years

INSPECTION

The annual inspection and calibration performed by Corrpro Waterworks last year indicated the need for replacement of two of the rectifier units, and one anode/cathode system. Further, the inspection recommended consideration for replacement of the remaining elevated tank and clairifier units in the near future. We elected to find the results of this-years inspection and construction plans prior to replacing the remaining systems.

Corrpro Waterworks is the only mid-west vendor recommended by our consultant, Ira Gabin of Dixon Engineering. They are the firm that installed our present systems and has invariably been the lowest responsible bidder for the annual inspections.

BUDGET

The Water Filtration Plant budget includes funding for replacement of the two rectifiers and one anode/cathode system and an inspection and calibration this year. A request for a price quotation was made to Corrpro Waterworks to perform replacements and inspections. The response is included.

RECOMMENDATION

I recommend we bring this issue before the Mayor and City Commission for their review and approval of Corrpro Waterworks to perform the work as indicated.

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/724-4055

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

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

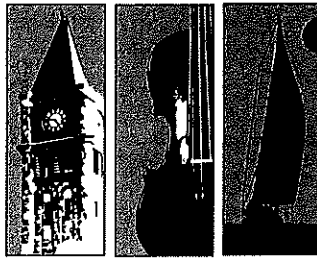
Public Works
231/724-4100
FAX/722-4188

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

April 9, 2003

Ms. Denise Jeffery
CORRPRO Waterworks
1055 West Smith Road
Medina, OH 44256

Dear Ms. Jeffery,

The City of Muskegon Water Filtration Plant desires to have a cathodic protection system and rectifier replacement and an annual inspection made to its' cathodic protection systems. Kindly provide a price quotation for the following services.

- Marshall St. 1.0 MG elevated storage tank, system #52514. Replace the existing rectifier with a solid state, automatically controlled, TASC VIII unit.
- Roberts St. 1.0 MG elevated storage tank, system #52513. Replace the entire system per AWWA standard D104-01, or most recent.
- Perform annual inspection of the following locations:
 - Marshall St. 1.0 MG elevated storage tank, system #52514.
 - Roberts St. 1.0 MG elevated storage tank, system #52513.
 - Nims St. 1.0 MG elevated storage tank, system #52512.
 - East and West Clairifier, Beach Street, system #'s 52509 and 52510.

The City has scheduled painting of the Roberts St. elevated storage tank for September of this year and prefers to coordinate the system replacement with that work. The Marshall St. rectifier replacement and the inspections can be coordinated with the work at Roberts St., or not.

Kindly submit an itemized price quotation, and proposed schedule for the aforementioned work.

Sincerely,

Handwritten signature of Robert Veneklasen.

Robert Veneklasen
City of Muskegon
Water Filtration Plant
1900 Beach Street
Muskegon, MI 49441
231.724.4106 voice
231.755.5290 facsimile



2003-40 h)

Wednesday, April 16, 2003

City of Muskegon
Water Filtration Plant
1900 Beach Street
Muskegon, MI 49441

1055 West Smith Road
Medina, OH 44256
Tel: 330/725-6681
Fax: 330/723-6065
www.corrpro.com
www.corrpro.com/waterworks.htm

Attention: Mr. Bob Veneklasen
Ph: 231.724.4106
Fax: 231.755.5290

Reference: Cathodic Protection - (quote #MI-03-54)
1.0MG Marshall Street Elevated Tank, System #52514
1.0MG Roberts Street Elevated Tank, System #52513

Per your recent request, Corrpro Waterworks proposes the following.

Marshall St. 1.0 MG Elevated Storage Tank, System #52514

We recommend that you consider replacing the rectifier with a solid state, automatically controlled, TASC VIII unit. The advantages to using the TASC VIII unit are that it regulates the protective current to maintain a pre-selected potential value. This results in the entire submerged area of the tank receiving proper levels of corrosion control regardless of changes in the water level, water chemistry, temperature, turbulence or coating condition. The TASC VIII rectifier complies with AWWA Standard D-104-01 for Type "A" automatically controlled rectifiers.

Corrpro Waterworks will supply all necessary labor, materials, equipment and supervision required to install a new TASC VIII automatic rectifier unit, make any necessary wiring modifications, energize the system upon completion and provide operating instructions to your personnel for the lump sum of Five Thousand Dollars (\$5,000.00). This price does not include any applicable taxes. Please forward tax exemption certificate as required. AC power from the existing rectifier must be maintained so that it can be transferred to the new rectifier.

Roberts St. 1.0 MG Elevated Storage Tank, System #52513

Complete new interior anode system and new automatically controlled TASC VIII rectifier unit. Corrpro Waterworks will supply all necessary labor, materials, equipment and supervision required for complete turnkey installation for the lump sum price of Ninety-Nine Hundred Dollars (\$9,900.00).

We estimate this tank will have to be drained for approximately one (1) day. The structure must be drained and cleaned upon our crew arrival. We will make a return trip to energize and calibrate the system after the tank has been returned to service.

Our price does not include the cost to drain and refill the tank, open or close any wet manway hatche or disinfect the tank.

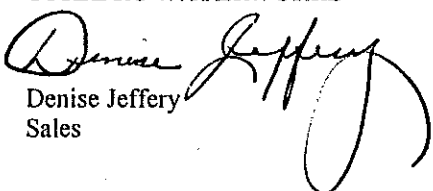
Attached is our annual service inspection proposal for 2003. Please note, we have left the Roberts St. and Marshall St. tanks at no charge, as the above pricing includes inspection/profile as a part of the installation pricing.

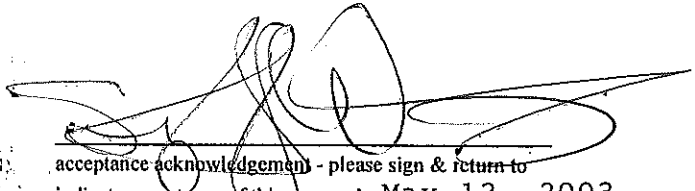
We can schedule all work in September if you prefer, as the 2002 service was performed 10/15/02.

All materials and labor would be guaranteed for a period of one year by Corrpro's standard warranty. Our terms are due upon receipt subject to credit approval. Invoicing will be issued upon completion.

Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully Submitted,
CORRPRO WATERWORKS


Denise Jeffery
Sales


acceptance acknowledgement - please sign & return to
indicate acceptance of this proposal. May 13, 2003
date

Cleveland

Atlanta

Phoenix

New York



ANNUAL SERVICE AGREEMENT
WATER STORAGE TANK / CLARIFIER
CATHODIC PROTECTION SYSTEM(S)



MUSKEGON, CITY OF
DEPARTMENT OF PUBLIC WORKS
WATER FILTRATION PLANT
1900 BEACH STREET
MUSKEGON, MI 49443
ATTN: MR. ROBERT VENEKLASSEN

www.corpro.com
www.corprowaterworks.com

P O Box 721
Medina, OH 44256
Phone: 330-725-6681
Fax: 330-723-6065

CONTRACT NO. 0005935
CUSTOMER CW003958

Corpro engineering and maintenance services for effective and economical
corrosion control in accordance with AWWA D 104-97 Appendix "C".

Capacity/Structure	Designation/Location	System No.	Plan	Amount
TREATMENT UNIT	BEACH STREET WEST CLARIFIER	52510	C	\$ 360.00
TREATMENT UNIT	BEACH STREET EAST CLARIFIER	52509	C	\$ 360.00
1,000,000 ELEVATED TANK	MARSHALL STREET TANK	52514	N/A	\$ 0.00
1,000,000 ELEVATED TANK	ROBERTS STREET TANK	52513	N/A	\$ 0.00
500,000 ELEVATED TANK	LAKETON STREET TANK	52511	N/A	\$ 0.00
1,000,000 ELEVATED TANK	NIMMS STREET TANK	52512	C	\$ 360.00

All service plans include one site visit per contract term to include 1 thru 5. Additional plan services as noted below

1. Tank-to-Water potential profile within tank to monitor and verify effectiveness of system on submerged surface of tank.
2. Electrical Measurements to test anode and reference cells.
3. Inspect, test, and clean rectifier, controls, meters, contacts, wiring and connections. Replace fuses as required.
4. Adjust system for optimum corrosion control on submerged metal surface of tank.
5. Submit report with all data obtained, evaluation of data, and recommendations for continued performance.

Plan "A" Service: Includes one annual inspection as indicated including repair and/or replacement of anodes and rectifiers as required.

Plan "B" Service: Includes one annual inspection as indicated including repair and/or replacement of anodes as required.

Plan "C" Service: Includes only service listed in items 1 thru 5 above.

Plan "AA" Service: Includes two inspections annually as indicated including spring installation and fall removal of anodes as well as repair and/or replacement of anodes and rectifiers as required

Plan "BB" Service: Includes two inspections annually as indicated including spring installation and fall removal of anodes as well as repair and/or replacement as required

Plan "CC" Service: Includes two inspections annually as indicated including spring installation and fall removal of anodes.

Notes:

Price reflects multiple tank discount.

For contract period 4/01/03 through 3/31/04. Total lump sum of this agreement is \$ 1,080.00

Payment is due at the start of the contract period. Additional repairs or replacements of system components would be subject to the subscriber's approval. This agreement does not effect in any way the original warranty on the system(s) described above. Corpro agrees to maintain General Liability Insurance and Workmen's Compensation Insurance during the annual service period. The subscriber agrees to indemnify and hold harmless Corpro for any damages arising out of the performance of this contract which is not covered by the foregoing insurance. Client and Corpro agree that neither party shall be responsible to the other party for incidental, consequential, indirect, punitive, or exemplary damages with respect to any claims, disputes, or other matters in question arising out of or relating to this Agreement or its termination, and Client and Corpro hereby waive such damage. Corpro's total liability to Client shall not exceed the amount of compensation actually paid for the services, products, or materials giving rise to the claim. Client and Corpro waive all rights against each other and any of their subcontractors, agents, and employees for all loss or damage to property or its loss of use.

Please include Job Site Contact Person: _____

Phone number: _____

CORRPRO WATERWORKS

By: _____

Paul Malatin/Contract Manager

Signature: _____

Printed name/Title: _____

Mayor Stephen Warmington

Date: 4/14/03

Date: May 13, 2003

Submitted in duplicate. Subscriber to mail one signed copy to CORRPRO WATERWORKS at the above address.

T.A.S.C. VIII

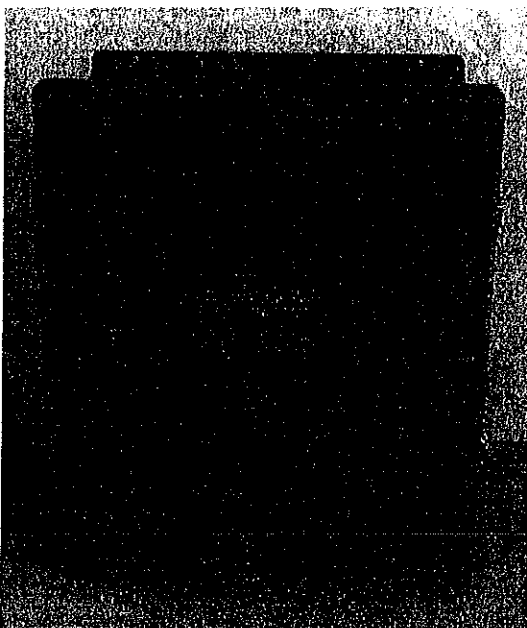
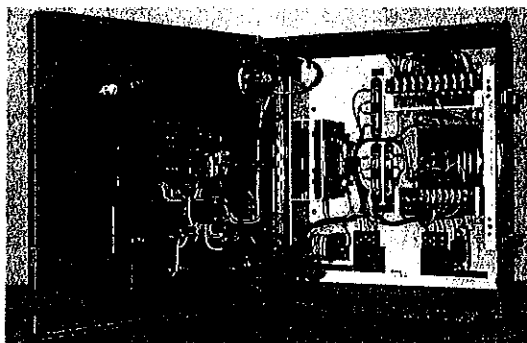
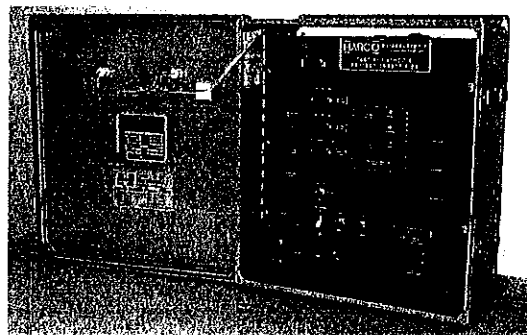
Automatic Rectifier

Rectifier Operation/Description

The Corppower T.A.S.C. VIII rectifier is specifically designed to provide accurate, economical corrosion control for the submerged surfaces of steel water storage tanks and water / wastewater treatment units. The T.A.S.C. VIII is designed by NACE accredited cathodic protection engineers for optimum performance in accordance with ANSI/AWWA D104, Type A, IR Drop Free control standards. The T.A.S.C. VIII automatically monitors and adjusts the DC output required for optimum corrosion control. The T.A.S.C. VIII control unit is equipped with an automatic potential limit, which is adjusted to maintain AWWA D104-97 and NACE criteria for optimum cathodic protection corrosion control while preventing over or under protection of the coated surface. Superior design, engineering and operation provide owner/operators with long life, low maintenance performance. The standard digital display meters facilitate ease of monitoring, with performance indicator lights on the front cabinet available as an optional extra feature. Each T.A.S.C. VIII is both factory and job site tested to insure quality workmanship and performance.

Standard Features

- Totally Automatic Control
- Eliminates "IR" Drop Error
- Controls from 0 to 100% of Rated Output
- Automatic Current Limiting
- Soft-Start Circuitry To Avoid High Power-On In-rush Currents
- Silicon Rectifier Stacks
- Upgraded Lightning Protection (AC and DC)
- Plug In Automatic Control Circuit Board
- Manual Operation Mode
- NEMA 4X Enclosure
- High Intensity LED Digital Meters
- Individual Circuit Shunts
- CSA (Canadian Standards Association) Approved
- Three T.A.S.C. Status Indicator LEDs On Instrument Panel:
 - Voltage Control
 - Current Control
 - Potential Control
- Full Height Silk-Screened Instrument Panel

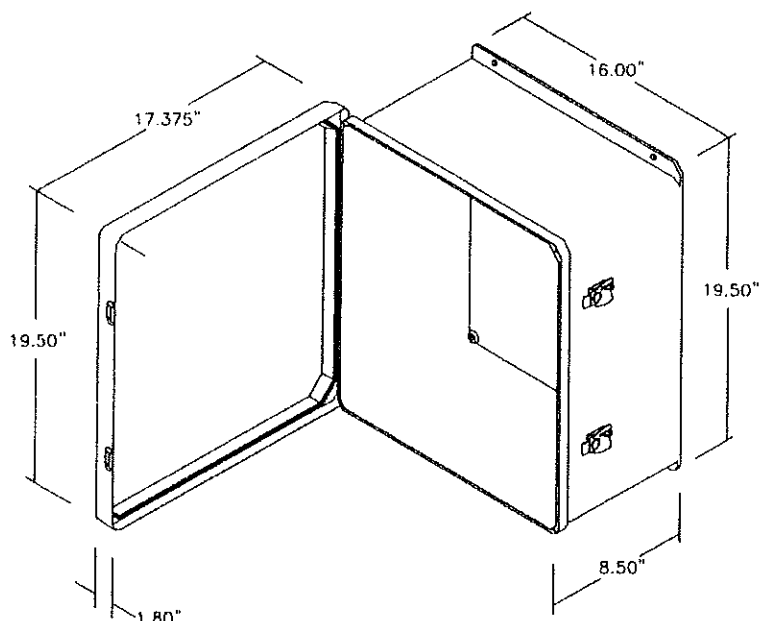


For Every Corner of Your World

Corppower Rectifier Division
10848 - 214 Street
Edmonton, Alberta T5S 2A7, Canada
Phone: (780) 447-4565 Fax: (780) 447-4248
E-mail: rectifiers@corrpro.ca
<http://www.corrpro.com>

T.A.S.C. VIII

Automatic Rectifier



MOUNTING DIMENSIONS: (CENTER TO CENTER)

WIDTH - 12.00"
HEIGHT - 18.75"
HOLE SIZE - 0.34" (11/32)

OVERALL CLEARANCE DIMENSIONS:

WIDTH - 18.00"
HEIGHT - 19.50"

T.A.S.C. VIII Rectifier Ordering Guide

1 ST GROUP		T - T.A.S.C. Automatic Style Rectifier
2 ND GROUP	A	115 VAC Input
	B	208 VAC Input
	C	230 VAC Input
	D	460 VAC Input
3 RD GROUP		# - DC Voltage Rating (20 or 30 Volt Typical; consult factory for other voltages)
4 TH GROUP		# - DC Current Rating (5, 8, or 16 Amp Typical; consult factory for other amperages)
5 TH GROUP		- Option Codes (see below)
TASC	A 30 08	

OPTIONAL FEATURES AVAILABLE FOR CORRPOWER T.A.S.C. VIII RECTIFIERS

- C - Secondary Anode Circuit
- J - Potential Meter Alarm

For other unlisted options, contact the factory.



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ELGARD™

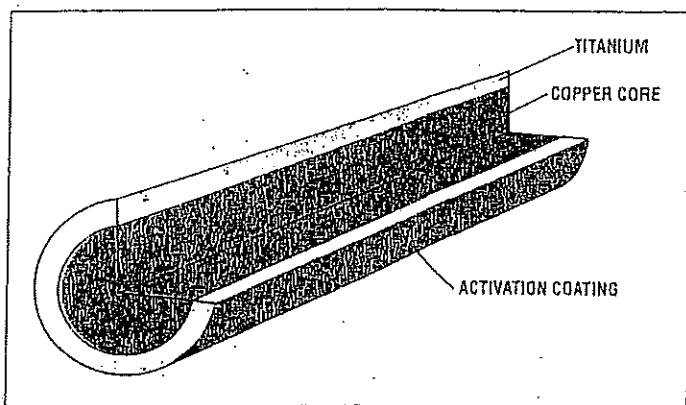
WATERWORKS WIRE ANODE

APPLICATIONS

- Water Storage Tanks
- Water Treatment Equipment

ELGARD Waterworks Wire Anode is a copper cored titanium wire with a mixed metal oxide coating. The mixed metal oxide is a crystalline, electrically-conductive coating that activates the titanium and enables it to function as an anode.

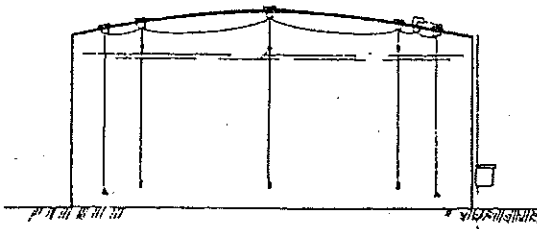
The ELGARD wire anode delivers reliable, long-life current necessary to uniformly protect water storage tanks and assorted water treatment equipment from internal corrosion.



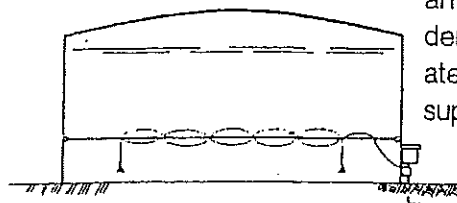
ANODE LIFE

Due to the extremely low consumption rates and dimensional stability of mixed metal oxide anodes, the electrical resistance of the ELGARD Water-works Wire Anode remains essentially constant with time.

The high current density capability of mixed metal oxide anodes have the added advantage of allowing high current overloads for initial polarization without causing harm to the anode.



Anode life projections are accurately made using an Imperial equation derived from accelerated life tests and supported by extensive field performance data.



FEATURES

- High Current Output
- Low Coating Wear Rate
- Highly Conductive Copper Core
- ANSI/AWWA Standard D 104-91

TECHNICAL SPECIFICATIONS

Rating for 20 year life (mA/ft)	100
Diameter (inches)	0.062
Maximum continuous length (feet)	1000
Resistance (milliohms/ft)	7
Weight (ounces/ft)	0.138

BENEFITS

- Lower cost per ampere year
- Constant electrical resistance
- Minimizes voltage drop



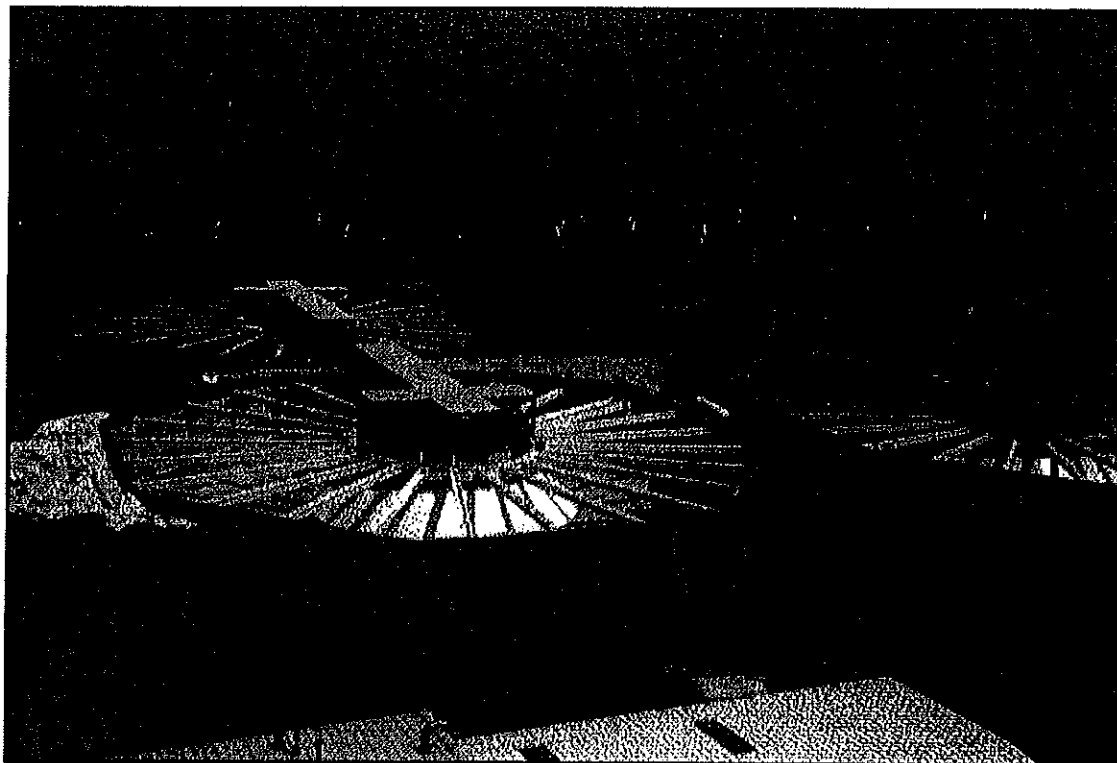
ELGARD Corporation

A Subsidiary of ELTECH Systems Corp.
1110 Industrial Blvd.
Sugar Land, Texas 77478
1-800-442-5432 • (713) 240-8686 • Fax: (713) 240-8779
ELGARD is a trademark of ELGARD Corporation.



CATHODIC PROTECTION CORROSION CONTROL

**Corrpro Waterworks Provides Complete Turnkey Cathodic Protection Services for
Water and Wastewater Treatment Equipment**



Treatment Equipment

Water and Wastewater Equipment found in up-flow basins, clarifiers, thickeners, mixers and related vessels will benefit greatly from cathodic protection. The corrosion process on the submerged steel portions of a treatment basin is generally more complex, than that encountered in a steel water storage tank. The use of various metals in the same electrolyte, irregular surface structures and the transference of protective current from stationary to moving parts are only a few of the important considerations for the design and installation of cathodic protection systems on these structures. Corrpro has over fifty years of industry knowledge and experience to solve even the most complex corrosion issues. Properly designed, installed and maintained cathodic protection corrosion control systems can literally save an owner hundreds of thousands of dollars in maintenance, repair and recoating costs on the submerged steel components of a treatment system over the design life of that structure. Our design staff is NACE certified and our systems are designed in accordance with AWWA Standards utilizing state of the art automatically controlled rectifiers. Corrpro also offers a complete line of superior quality cathodic protection materials, which are ANSI/NSF 61classified for drinking water system components.

CORRPRO WATERWORKS
www.corrprowaterworks.com
800-443-3516

Cleveland

Atlanta

Phoenix

New York

2003-41 a)

Commission Meeting Date: May 13, 2003

Date: April 17, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *BC*
RE: Public Hearing - Request for the Establishment of an
Industrial Development District – Motion Dynamics
Corporation

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Motion Dynamics Corporation, 1818 E. Sherman Boulevard, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 1818 E. Sherman Boulevard, Muskegon, Michigan. The project will result in the creation of 2 new jobs and \$240,000 in private investment.

FINANCIAL IMPACT:

Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing the Industrial Development District for Motion Dynamics Corporation.

COMMITTEE RECOMMENDATION:

None



PRECISION SPRINGS AND WIRE FORMS

April 22, 2003

Gail A. Kunderger, Clerk
City of Muskegon
933 Terrace Street
PO Box 536

Dear Gail:

I have been working with Lonna Anguilm, Joel Fitzpatrick, and Ken James on a Tax Abatement for our company, Motion Dynamics Corp., 1818 E. Sherman Blvd., Muskegon, MI 49444. We thought we had already established an Industrial Development District back in 1992, but the legal description was not correct. I would like to establish an Industrial Development District with the following legal description:

CITY OF MUSKEGON SW ¼ OF SEC 34 T10N R16W COM AT S ¼ COR OF SD SEC TH S 89 DEG 34 MIN 26 SEC W ALG S LN OF SD SEC 1316 FT TH N 0 DEG 41 MIN E 236.22 FT TO N LINE OF SHERMAN FOR POB TH CONT ALG SD BEARING 414.80 FT TH N 89 DEG 34 MIN 26 SEC E 150 FT TH S 0 DEG 41 MIN W 375 FT N/L TH SW'LY ALG N LN OF SHERMAN 155 FT M/L TO POB EXC THE FOLLOWING DESC PARCEL: BEG S 89 DEG 34 MIN 26 SEC W 1315.99 FT (AS MEASURED ALG S SEC LN) AND N 00 DEG 46 MIN 26 SEC 236.30 FT FROM S ¼ COR OF SD SEC 34, TH N 00 DEG 46 MIN 26 SEC E 29 FT ALG E RT OF WAY LN OF HARRIS RD, TH S 58 DEG 18 MIN 19 SEC E 38.08 FT, TH S 74 DEG 39 MIN 50 SEC W 34 FT ALG NLY RT OF WAY LN OF SHERMAN BLVD TO POB EXCEPTION CONTAINS 473 SQ FT.

We are scheduled for the 5/13/03 meeting. If you need any additional information or I need to do anything else, please let me know. Thanks for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Witham', is written over a horizontal line.

Chris Witham
President

Resolution No. 2003-41 (a)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING REQUEST
FOR ESTABLISHMENT OF INDUSTRIAL DEVELOPMENT DISTRICT
Motion Dynamics Corporation

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to establish an "Industrial Development District" within the City of Muskegon; and

WHEREAS, Motion Dynamics Corporation, 1818 E. Sherman Boulevard, Muskegon, Michigan, has requested the City of Muskegon to establish an Industrial Development District on property located at 1818 E. Sherman Boulevard, Muskegon, hereinafter described; and

WHEREAS, Motion Dynamics Corporation presently operations a production facility within the Industrial Development District; and

WHEREAS, construction, acquisition, alterations, or installation of proposed machinery and equipment has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the Muskegon Chronicle and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, a public hearing on the establishment of an Industrial Development District was held on May 13, 2003, at the regular City Commission meeting at the Muskegon City Hall at which time all of the owners of real property within the proposed district, all residents and taxpayers of the City of Muskegon, and the affected taxing jurisdictions were afforded an opportunity to be heard thereon.

NOW THEREFORE BE IT RESOLVED THAT, the Muskegon City Commission deems it to be in the best interest of the City of Muskegon that the following described land situated in the City of Muskegon, Muskegon County, and the State of Michigan, to wit:

CITY OF MUSKEGON SW 1/4 OF SEC 34 T10N R16W COM AT S 1/4 COR OF SD
SEC TH S 89 DEG 34 MIN 26 SEC W ALG S LN OF SD SEC 1316 FT TH N 0 DEG
41 MIN E 236.22 FT TO N LINE OF SHERMAN FOR POB TH CONT ALG SD
BEARING 414.80 FT TH N 89 DEG 34 MIN 26 SEC E 150 FT TH S 0 DEG 41 MIN W
375 FT N/L TH SW'LY ALG N LN OF SHERMAN 155 FT M/L TO POB EXC THE

FOLLOWING DESC PARCEL: BEG S 89 DEG 34 MIN 26 SEC W 1315.99 FT (AS MEASURED ALG S SEC LN) AND N 00 DEG 46 MIN 26 SEC E 236.30 FT FROM S 1/4 COR OF SD SEC 34, TH N 00 DEG 46 MIN 26 SEC E 29 FT ALG E RT OF WAY LN OF HARRIS RD, TH S 58 DEG 18 MIN 19 SEC E 38.08 FT, TH S 74 DEG 39 MIN 50 SEC W 34 FT ALG NLY RT OF WAY LN OF SHERMAN BLVD TO POB EXCEPTION CONTAINS 473 SQ FT.

Be and here established as an Industrial Development District pursuant to the provisions of Act 198 of the Public Acts of 1974 to be known as **Motion Dynamics Corporation Development District No. _____**

BE IT FURTHER RESOLVED that the Industrial Development District will be rescinded following the completion of capital acquisition and/or improvement activities.

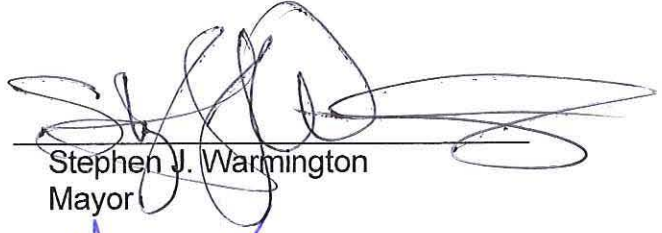
Resolution declared adopted.

Ayes: 7

Nays: 0

Absent: 0

By: _____


Stephen J. Warrington
Mayor

Attest: _____


Gail Kunding
Clerk, MMC

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 13, 2003.


Gail Kunding
Clerk, MMC

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

2003-41 (a)

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and Motion Dynamics Corporation ("Company").

Recitals:

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

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

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

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

E. This contract shall become effective upon the issuance of an Industrial Facilities Tax Exemption Certificate.

NOW THEREFORE THE PARTIES AGREE:

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

- 1.1 That 50 percent of the promised new jobs shall be in place with full-time employees on or before 12/31, 20 03, and 100 percent of the said jobs shall be in place with full time employees on or before 4/16, 20 04. Finally, 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**
- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$240,000 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production

and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.

- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.
- 1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

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

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

- 3.1 Failure to meet any of the commitments set forth above.
- 3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.
- 3.3 Failure to afford to the City the documentation and reporting required.
- 3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, **unless the company can show that there has**

been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.

3.5 The bankruptcy or insolvency of the Company.

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

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

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

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

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

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

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

notice that the default has occurred and immediate revocation should occur.

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

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll, **unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less then expected).**

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, **unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).**

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

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

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

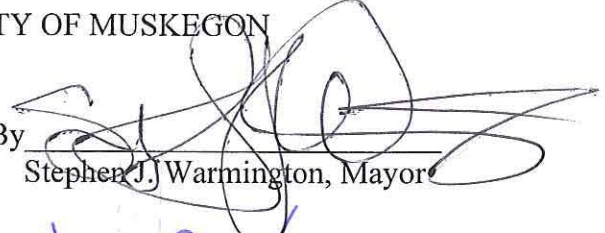
5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

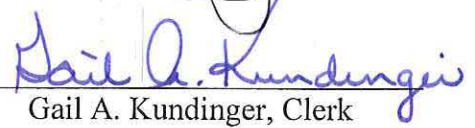
6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

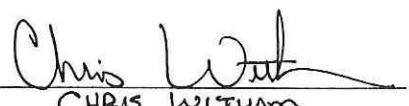
7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

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

CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunding, Clerk

By 
CHRIS WITHAM
Its PRESIDENT

and _____
Its _____

2003-41 b)

Commission Meeting Date: May 13, 2003

Date: April 17, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *OPC*
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – Motion Dynamics Corporation**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Motion Dynamics Corporation, 1818 Sherman Boulevard, Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. The total capital investment for this project is \$240,000 in personal property and will create 2 new employment opportunities. This request qualifies Motion Dynamics Corporation for a 6-year exemption on personal property. Motion Dynamics Corporation's current workforce is 18.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

MOTION DYNAMICS CORPORATION

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on May 13, 2003, this Commission by resolution established an Industrial Development District as requested by Motion Dynamics Corporation, 1818 Sherman Boulevard, Muskegon, Michigan 49441; and

WHEREAS, Motion Dynamics Corporation has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on May 13, 2003, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment had not begun earlier than six (6) months before April 15, 2003, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

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

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

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

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Motion Dynamics Corporation, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGON SW 1/4 OF SEC 34 T10N R16W COM AT S 1/4 COR OF SD SEC TH S 89 DEG 34 MIN 26 SEC W ALG S LN OF SD SEC 1316 FT TH N 0 DEG 41 MIN E 236.22 FT TO N LINE OF SHERMAN FOR POB TH CONT ALG SD BEARING 414.80 FT TH N 89 DEG 34 MIN 26 SEC E 150 FT TH S 0 DEG 41 MIN W 375 FT N/L TH SWLY ALG N LN OF SHERMAN 155 FT M/L TO POB EXC THE FOLLOWING DESC PARCEL: BEG S 89 DEG 34 MIN 26 SEC W 1315.99 FT (AS MEASURED ALG S SEC LN) AND N 00 DEG 46 MIN 26 SEC E 236.30 FT FROM S 1/4 COR OF SD SEC 34, TH N 00 DEG 46 MIN 26 SEC E 29 FT ALG E RT OF WAY LN OF HARRIS RD, TH S 58 DEG 18 MIN 19 SEC E 38.08

FT, TH S 74 DEG 39 MIN 50 SEC W 34 FT ALG NLY RT OF WAY LN OF SHERMAN BLVD TO POB
EXCEPTION CONTAINS 473 SQ FT.

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force
and effect for a period of six (6) years on personal property.

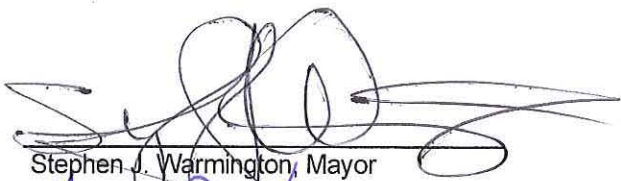
Adopted this 13th Day of May 2003

Ayes: 7

Nays: 0

Absent: 0

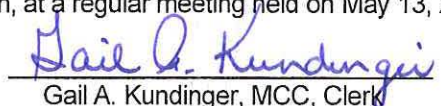
BY:


Stephen J. Warmington, Mayor

ATTEST:


Gail A. Kunderger, MCC, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the
Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on May 13, 2003.


Gail A. Kunderger, MCC, Clerk

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. **The application should be filed after the district is established and no later than (within) six months after the commencement of the project.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. **(The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.**

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature		Application No.	
Date Received		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) MOTION DYNAMICS CORP.		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code 3495	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1818 E. SHERMAN BLVD.		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) 1818 E. SHERMAN BLVD.		e. City/Twp./Village MUSKEGON	f. County MUSKEGON
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ REHABILITATION (SEC. 3(1)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located ORCHARD VIEW 4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") 6 YEARS	
5. Explain Applicant's Principal Type of Business (Detailed description of operations) MOTION DYNAMICS CORP. IS A PROVIDER OF HIGH PRECISION SPRINGS AND WIRE FORMS FOR THE ELECTRONICS, MEDICAL, AUTOMOTIVE, AND AEROSPACE INDUSTRIES. TO PRODUCE THESE PARTS, WE USE A NUMBER OF DIFFERENT PROCESSES INCLUDING HAND BENDING, COLLING, HEAT TREATMENT, GRINDING, AND ULTRASONIC CLEANING.			
6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.) —			
b. Explain Degree and Type of Obsolescence Affecting Existing Facility. —			
7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility SEE ATTACHMENT 1.			
8. a. Cost of land improvements (Itemize) Excluding cost of land		\$ a. 0	
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)		b. 0	
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)		c. \$ 240,000	
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)		d. 0	
TOTAL PROJECT COST		\$ # 240,000	

9. List Time Schedule for Start and Finish of Construction Stages and Equipment Installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before this application is filed. Estimate dates when applicable.

THIS SECTION MUST BE COMPLETED WITH ACTUAL DATES. (REFERENCE TO SEE ATTACHMENTS NOT ACCEPTABLE).

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements:

10a. Are the Buildings Owned or Leased by the Operator of the Facility?

☒ OWNED☐ LEASED (Attach copy of lease.)

b. Is Applicant Liable for Payment of Ad Valorem Taxes on This Property?

☒ YES☐ NO

c. Are Machinery and Equipment, Furniture and Fixtures Owned or Leased by the Operator of this Facility?

☒ OWNED☐ LEASED (Attach a copy of the lease.)

11. Will the Property for Which This Application is Filed be Included in an:

a. State Enterprise Zone or State Renaissance Zone

☐ YES☒ NO

b. 307 Site Contaminated Property File Number _____

Clerk's Certification

☐ YES☒ NO12. If State Education Taxes are abated, attach Michigan Jobs Commission Letter of Commitment. a. Enter total number of employees at site prior to start of project. 18b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? 2c. Number of new jobs at this site expected to be created within 2 years of project completion? 2

13. Has the project caused or will it cause, a relocation of employment from one or more Michigan governmental units to the unit in which the project is or will be located?

a. ☐ YES☒ NO

b. Number of Jobs Involved in Facility Relocation

c. Previous Location of Facility (City, Township, Village)

d. Attach a certified copy of the resolution passed by the governmental unit from which employment is to be transferred consenting to the transfer of employment. Date resolution was adopted _____

14. Rehabilitation applications: Complete a, b and c. **Attach assessor's statement of valuation for the entire plant rehabilitation district.**

a. SEV of Real Property (Exclude Land)

b. SEV of Personal Property (Exclude Inventory)

c. Total SEV

as of Dec. 31, 19____

15a. The Facility is Located in the following Type of District Established by the Local Governing Unit:

☐ INDUSTRIAL DEVELOPMENT DISTRICT☐ PLANT REHABILITATION DISTRICT

b. Name of Governing Unit that Established District

c. Date District was Established

Attach certified copy of resolution and drawing of district.

NOTICE AFTER DEC. 31, 1983: Section 9(2)(b) provides that a written request (Date stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16a. Is This Application for a Speculative Building (Sec. 3(8))?

☒ NO - Go to 17 below☐ YES - Complete b, c and d

b. Name of Governmental Unit Which Passed Resolution to Establish a Speculative Building.

c. Date of Resolution (Attach copy)

d. Date of Construction Commenced (See page 4, item 4)

e. Attach a Certified statement from the building owner and assessor that the building has not been occupied since completion of construction. (See page 4, item 13.)

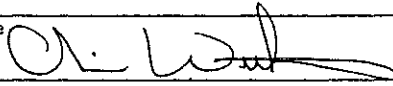
☐ Owner☐ Assessor

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information CHRIS WITHAM	Title PRESIDENT	Phone 231 733-7425
Mailing Address 1818 E. SHERMAN BLVD.		
Type Name of Company Officer CHRIS WITHAM	Signature 	
Title PRESIDENT	Date 4/15/03	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken	DOCUMENTS REQUIRED
☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, _____ (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed.	☐ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☐ 8. 3222 (formerly T-1044A) (if applicable). ☐ 9. Speculative building resolution & affidavits.
☐ DISAPPROVED	

20. Name of Local Government Body	Date of Action on This Application
-----------------------------------	------------------------------------

Attached hereto is a copy of the application and all documents required.

Signature of Clerk	Date	Phone
Clerk's Mailing Address	City	ZIP Code

State Tax Commission Rule Number 57:

Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971

*Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information Request is filed.

If you have any questions, please call (517) 373-2408 or 373-3302.

Attachment 1

We are interested in adding additional coiling, winding, heat treatment, and gauging capabilities to improve our competitive position in the electronics and medical industries. To do this, we would like to purchase new equipment that is leading edge technology. The first items are two coiling machines that will coil wire less than .001" in diameter. As a reference, the diameter of a human hair is .003". The third piece of equipment is a winding machine. This is a new process for Motion Dynamics, but one that is necessary for many products currently used in the medical field. This equipment will allow us to coil more than one wire together, forming a part that looks like a long spring, but allows doctors to attach multiple electronic measurement devices for collecting data through one opening. These are known as multi-filars.

Along with these core-processing capabilities, we would like to add a new heat treatment oven that allows us to use an inert gas environment versus air. Inert gases are gases such as Nitrogen and Argon. These create an atmosphere that does not allow any oxidation or contamination to form on the part during the heat treatment process. This is required on fine wire springs. We also need a Shot Peener that will remove burrs, or metal fragments, from the ends of springs. The last item we are considering is a vision system used in the measurement of micro sized springs. This will give us the ability to measure down to .0001".

**Chris Witham
President
Motion Dynamics Corp.**

(231) 733-7425

Attachment 2

Equipment List, Expected Date of Installation, and Cost

1.	SH-3 Micro Coiler	7/1/03	\$72,000
2.	SH-1 Micro Coiler	8/1/03	\$87,000
3.	Accuwinder Winder	7/15/03	\$53,000
4.	Blue M Inert Gas Oven	8/15/03	\$10,000
5.	Micro Vision Measurement System	9/15/03	\$12,000
6.	Shot Peen System	10/1/03	\$ 6,000

Total Project Cost	\$240,000
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**Chris Witham
President
Motion Dynamics Corp.
(231) 733-7425**



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

MOTION DYNAMICS CORPORATION, an existing manufacturing company located at 1818 E. Sherman Boulevard, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. The company is a provider of high precision springs and wire forms for the electronics, medical, automotive, and aerospace industries. Due to the fact that the company is investing \$240,000, in personal property and is creating 2 new employment opportunities, it is eligible for a six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:			
White	18	(100%)	
Minority	0	(- 0-%)	
Total	18		

Gender Characteristics:			
Male	11	(61%)	
Female	7	(39%)	
Total	18		

Total No. of Anticipated New Jobs: 2

Investment Information:

Real Property:	\$-0-
Personal Property	\$240,000
Total:	\$240,000

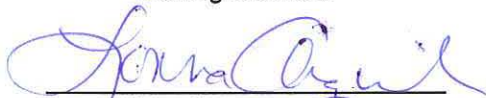
Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$6,720	\$1,200
Value of Abatement	\$3,360	\$ 600
Total New Taxes Collected	\$3,360	\$ 600

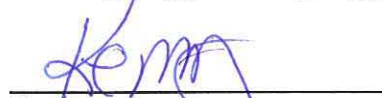
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$335 (approximately)

Company Requirements:

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


Lonna Anguilm
Assistant Planner


Ken James
Affirmative Action Director

Commission Meeting Date: May 13, 2003

2003-41 c)

Date: April 28, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CEC*
RE: Public Hearing - Request to Establish an Obsolete Property District – Resurrection Properties, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Resurrection Properties, LLC, 2140 McCracken. Muskegon, Grand Rapids, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 1871 Peck Street (former Price Cleaners), Muskegon, MI. Total capital investment for this project is \$25,000. The project will result in the creation of 8 new jobs in the City.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 1871 Peck Street, Muskegon, MI.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2003-41 (c)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, MMC
Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on May 13,, 2003. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, MMC
Clerk

ATTACHMENT A

CITY OF MUSKEON DENNIS SMITH & COS SOUTH SIDE ADDITION LOT 1 EX COM @ SE COR TH N
ON E LINE 0.12 FT TH WLY 70.93 FT TH S 0.10 FT TO S LINE SAID LOT TH E TO BEG BLK 2 ALSO INCL
THAT PART OF LOT 2 COM AT NW COR SD LOT FOR POB TH S .10 FT TH E 54.57 FT TH N .10 FT TH W
TO POB

2003-41 d)

Commission Meeting Date: May 13, 2002

Date: April 28, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – Resurrection Properties, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Resurrection Properties, LLC, 2140 McCracken, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 1871 Peck Street (former Price Cleaners), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for office use. Total capital investment for this project is \$25,000. The project will result in bringing 8 jobs to the City of Muskegon. Because of these 8 new jobs, the applicant has requested an 8 (eight) year certificate.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property Certificate for 1871 Peck Street, Muskegon, MI for a term of 8 years.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2003-41 (d)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by Resurrection Properties, L.L.C.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Resurrection Properties, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on May 13, 2003, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on May 13, 2003, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Resurrection Properties, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for eight (8) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will

be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by May 13, 2004, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Resurrection Properties, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of eight (8) years;
- 2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
- 3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

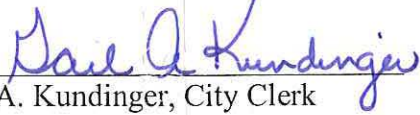
By Gail A. Kundinger
Gail A. Kundinger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on May 13, 2003. 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

A handwritten signature in blue ink, appearing to read "Gail A. Kunding", is written over a horizontal line.

Gail A. Kunding, City Clerk

APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires one copy of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT. Clerk must also complete sections 14, 15 and 17 on page 2.		THIS SECTION FOR USE BY THE STATE TAX COMMISSION	
Signature		Application No.	
Date This Application Was Received		Date Received	
TO BE COMPLETED BY APPLICANT (Applicant, do not write above this line. Begin entries at 1a below.)			
1a. Applicant (Company) Name (Applicant must be the OWNER of the facility) <u>MARK ANDERSON</u>		Important Note: If this application form (3674) is not fully completed, it will be returned by the Property Tax Division prior to any processing being done by the State Tax Commission	
b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) <u>2140 MCCORMACKEN, MUSKOGEE, MS 39441</u>			
c. Location of Obsolete Facility (No. and Street, City, State, ZIP) <u>1871 PECK ST. MUSKOGEE MS 39441</u>		d. City/Twp./Village <u>MUSKOGEE</u>	e. County <u>MUSKOGEE</u>
2. Date of Commencement of Rehabilitation <u>5-15-03</u>	3. Planned Date of Completion of Rehabilitation <u>7-15-03</u>	4. School District Where Facility is Located <u>MUSKOGEE</u>	a. School Code
5. Estimated Cost of Rehabilitation <u>\$25,000</u>		6. How Many Years of Exemption Requested? <u>8 YEARS</u>	
7. Project will have the reasonable likelihood to: (Check one or more) ☒ increase commercial activity ☒ create employment ☒ retain employment ☒ prevent a loss of employment ☒ revitalize urban areas ☐ increase the number of residents in the community in which the facility is situated		8. Legal Description of Obsolete Property <u>DEWOSMITH & CO. SUBSIDIA ADDN LOT 1 EA COM PT SE COR TH N ON E LINE 0.12 FT TH WLY 70.93 FT TH S 0.10 FT TO S LINE SAID LOT TH E BEG. BLK 2 ALSO 1/401 THAT PART OF LOT 2 (COM AT NW COR 3D LOT FOR TH S 0.10 FT TH E 54.57 FT TH N 0.10 FT TH W TO COR (*1) 10995</u>	
7a. Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment: <u>8</u>			
9. The following must be provided to the local governmental unit as attachments to this application: (a) General description of the obsolete facility, (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.			
10. The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Please check the following box if you wish to be considered for this exclusion: ☒			
11. APPLICANT'S CERTIFICATION The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information which it provides is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy. The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate. It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.			
12. Name of Person to Contact for Further Information <u>MARK ANDERSON</u>		Title <u>OWNER</u>	Telephone Number <u>(231) 759-3178</u>
Mailing Address <u>2140 MCCORMACKEN</u>			
13. Type Name of Company Officer <u>MARK ANDERSON</u>		Title <u>OWNER</u>	Telephone Number <u>(231) 759-3178</u>
Signature <u>[Signature]</u>		Date <u>4-15-03</u>	

*Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information Request is filed.

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application.

14. Action Taken
☐ Date of Action: _____

☐ EXEMPTION APPROVED FOR _____ Years

Ending December 31, _____ (not to exceed 12 years)

☐ DISAPPROVED
15. RESOLUTION MUST CONTAIN THE FOLLOWING.

A copy of the resolution must be furnished to the State Tax Commission.

- ☐ A statement that the local unit is a Qualified Local Governmental Unit.
- ☐ A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of P.A. 146 of 2000.
- ☐ A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.
- ☐ If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operating of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.
- ☐ A statement that the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 including the date of the hearing.
- ☐ A statement that the applicant is not delinquent in any taxes related to the facility.
- ☐ A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.
- ☐ A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

- ☐ A statement that all of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.
- ☐ A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.
- ☐ A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district.
- ☐ A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.
- ☐ A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P.A. 146 of 2000.
- ☐ A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

16. ASSESSOR:

Taxable Value

State Equalized Value (SEV)

 Current Taxable
Value and State
Equalized Value of
obsolete properties
broken down for:

Land	_____	_____
Buildings	_____	_____
Buildings on Leased Land	_____	_____
Other Personal Property	_____	_____
Year of Values	_____	_____

17. Name of Local Government Body

Date of Action on This Application

CLERK'S CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

Signature of Clerk	Date	Telephone Number ()
Clerk's Mailing Address	City	ZIP Code

Applications received after October 31 may not be acted upon in the current year.

This application is subject to audit by the State Tax Commission.

Mail completed Application and copy of Resolution to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971**

If you have any questions, please call (517) 373-2408 or 373-3302.

To: City of Muskegon

From: Mark D. Anderson
2140 McCracken St.
Muskegon, MI 49441
231-759-3178 231-638-1179

To whom it may concern;

Along with my application for obsolete property rehabilitation exemption certificate, I am sending this letter to address the appropriate items listed in the criteria section of the handout.

There would be minimal impacts on public right of way and general circulation patterns. There are adequate parking spaces and sufficient room to pull in and pull out without impeding traffic. Entrance to the parking lot is off Alpha St, which runs E and W connecting Peck and Sanford.

By demolishing the unattached garage, we would triple the parking area. When this is done, new paving would be put down to replace the cracked and upheaved concrete parking that currently exist. A landscaped, or green area will be provided per site plan. Currently, no green area or vegetation exists. There is an old signage frame that is mounted on the roof. It is unsightly and not in use. This will be removed and new signage will be installed on the building. We have no proposed signs at this time; some tenant issues must be addressed upon completion of the project. At that time we will submit the proposal in an effort to get the permit.

As the applicant, I am further stating that I have a good standing with the City as far as history in payment of taxes, water bills or any other obligations to the City.

As required, the rehabilitation of the facility will not be undertaken without the receipt of the exemption certificate.

The location of the proposed improvements is 1871 Peck St. To my knowledge, this area has not already been designated as an Obsolete Property Rehabilitation District. I believe, however, that the area qualifies for such a designation.

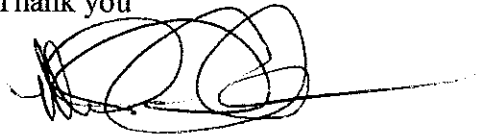
The property was purchased for \$8,000 and the projected expense of the rehabilitation is \$25,000.

Property values in the general area would be positively impacted. To what extent, is not known.

The project will be consistent with all adopted codes, ordinances and plans. Permits and inspections will be timely.

In closing, I would like to state that the project will enhance the community not only in appearance, but will create approximately 8 new jobs in the City. The tenants under consideration currently have existing offices, which are not within the City of Muskegon's limits.

Thank you

A handwritten signature in black ink, appearing to be "Mark D. Anderson", with a long horizontal line extending to the right.

Mark D. Anderson

1871 Peck St.

Scope of work

- Complete demolition of all interior walls, plumbing, electrical, HVAC, and exterior windows
- Install new walls and doors per print
- Install men's and women's ADA compliant restrooms
- Install break room
- New 200 amp service panel and electrical throughout
- New forced air furnace and air conditioning
- New flooring throughout
- Install new windows
- Paint exterior where previously painted
- Power wash remaining brick façade
- Demo garage and extend parking with new paving on existing parking area
- Install landscaping

2003-41 e)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Alpha Ave. Commerce to Jefferson

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Alpha, Commerce to Jefferson Project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003-41 (e)

Resolution At First Hearing Creating Special Assessment District
For **Alpha Ave., Commerce to Jefferson**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **May 13, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **May 13, 2003**, there were 24.95% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Spataro and Vice Mayor Buie
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **27.03%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **May 13, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

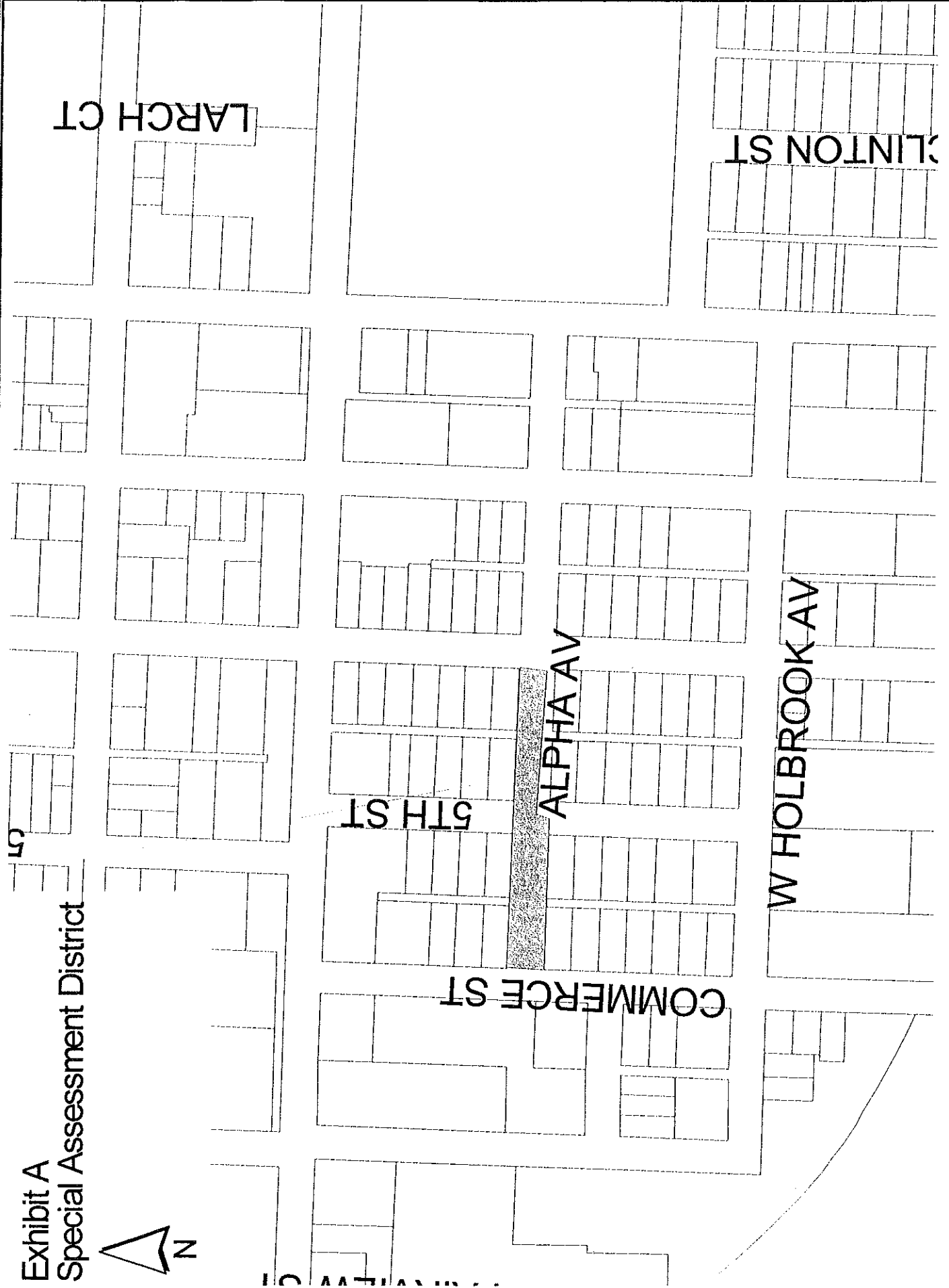
EXHIBIT A

ALPHA AVE. COMMERCE TO JEFFERSON

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Alpha Ave. from Commerce to Jefferson

Exhibit A
Special Assessment District



ENGINEERING FEASIBILITY STUDY

For

Alpha Ave. between Commerce & Jefferson

In an effort to incorporate the established goals of eliminating gravel streets from the City system into our proposed work, we are proposing the construction of a new curb & gutter street in Alpha between Commerce & Jefferson. In addition to the aforementioned, this proposal was initiated by the City due to :

1. That section of Alpha is gravel, therefore, in keeping with the City's goals of eliminating all gravel roads made this road a leading candidate for roadway construction.
2. The need to reduce maintenance cost associated with upkeep of the gravel road
3. Enhance the appearance of that area

The combination of the above reasons makes the selection of this street for improvements an ideal one.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$65,000 with the length of the project being approximately 600 lineal feet or 499 of assessable footage. This translates into an estimated improvement cost of \$130 per assessable foot. The assessment figure will be at a cost not to exceed \$35.35 per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
Jacob O. Funkhouser
James J. Kobza
Louis McMurray
Clarence Start

April 29, 2003

Mohammed Al-Shatel, City Engineer
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Alpha Avenue located between Commerce Street and Jefferson Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is April 29, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$ 35.50 appears reasonable in light of our analysis that indicates a probable enhancement of \$37.35. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Dan VanderKooi, CMAE 3
Senior Appraiser

May 2, 2003

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE 49441 1

Parcel Number 24-XXX-XXX-XXXX-XX: at PROPERTY ADDRESS STREET
COMMERCE ST

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

The proposed special assessment district will be located as follows:

All parcels abutting Alpha Ave., Commerce St. to Jefferson St.

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MAY 13, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

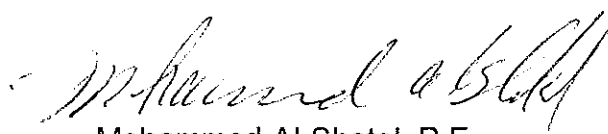
The total estimated cost of the street portion of the project is \$65,000.00 of which approximately 27.03% (\$17,572.50) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and financial assistance programs available.

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON
STREET H-1570
ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ **Wage earner:** _____
(Must include all household income)
_____ **Wage earner:** _____
_____ **Wage earner:** _____
_____ **Wage earner:** _____
Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
SIGNATURE _____ TITLE _____
COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Alpha St., Commerce St. to Jefferson St.
and
Franklin St., Michigan Ave. to Washington Ave.**

The location of the special assessment districts and the properties proposed to be assessed are:

- **All parcels abutting Alpha St. from Commerce St. to Jefferson St.
and**
- **All parcels abutting Franklin St. from Michigan Ave. to Washington Ave.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MAY 13, 2003 AT 5:30 O'CLOCK P.M.**

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **May 3, 2003**

Gail Kunding, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Alpha Ave., Commerce St. to Jefferson St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF MAY, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT

H 1570

NEW CONSTRUCTION

HEARING DATE

MAY 13, 2003

ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

24-232-007-0007-00	MCLAURIN CAROL R 1853 JEFFERSON ST @ 1853. JEFFERSON MUSKEGON MI	ASSESSABLE FEET: 62.5 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,218.75
24-232-007-0008-00	TISCH GERALD A/JOSEPHINE 1854 5TH ST @ 1854. 5TH ST MUSKEGON MI	ASSESSABLE FEET: 62.5 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,218.75
24-232-008-0001-00	RUSH QUEENIE D 1871 JEFFERSON ST @ 1871. JEFFERSON MUSKEGON MI	ASSESSABLE FEET: 62.5 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,218.75
24-232-008-0014-00	HUSMANN TODD 1872 5TH ST @ 1872. 5TH ST MUSKEGON MI	ASSESSABLE FEET: 62.5 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,218.75
24-232-011-0001-00	HINES WILTON/AUDREY 177 ALPHA AVE @ 177.0 ALPHA AVE MUSKEGON MI	ASSESSABLE FEET: 62.25 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,209.88
24-232-011-0014-00	TYLER JAMES 1872 COMMERCE ST @ 1872. COMMERCE MUSKEGON MI	ASSESSABLE FEET: 62.25 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,209.88
24-232-012-0007-00	WEDLAW LATECHA A 1855 5TH ST @ 1855. 5TH ST MUSKEGON MI	ASSESSABLE FEET: 62.25 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,209.88

NEW CONSTRUCTION

HEARING DATE

MAY 13, 2003

ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

24-232-012-0008-00

BLAIS KAREN L TRUST

ASSESSABLE FEET:

62.25

185 W LAKETON AVE

COST PER FOOT:

\$35.50

@ 1856.

COMMERCE MUSKEGON

MI

ESTIMATED P.O. COST:

\$2,209.88

SUM OF ASSESSABLE FOOTAGE:

499.00

SUM OF ESTIMATED P.O. COST:

\$17,714.50

TOTAL NUMBER OF ASSESSABLE PARCELS

8.00

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **MAY 13, 2003**

Project Title: **ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.**

Project Description: **NEW CONSTRUCTION**

WORK INCLUDES CURB & GUTTER, DRAINAGE SYSTEM AND HARD SURFACE PAVEMENT - CONCRETE OR ASPHALT WIDTH MIN 27'

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: **1872 COMMERCE ST.**

Parcel Number: **24-232-011-0014-00**

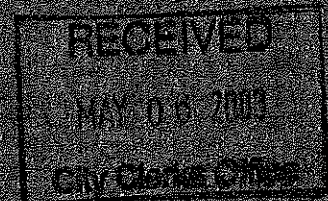
Assessable Frontage: **62.25** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$2,209.88

Property Description

CITY OF MUSKOGEE
DENNIS SMITH & COS. SOUTH SIDE ADDITION
LOT 14 BLK 11



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner: _____

CoOwner/Spouse: Walt Tyler

Signature: _____

Signature: Walt Tyler

Address: _____

Address: 1872 Commerce

Thank you for taking the time to vote on this important issue

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By MAY 13, 2003

Project Title: ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

Project Description: NEW CONSTRUCTION

WORK INCLUDES CURB & GUTTER, DRAINAGE SYSTEM AND HARD SURFACE PAVEMENT - CONCRETE OR ASPHALT WIDTH MIN 27'

INSTRUCTIONS

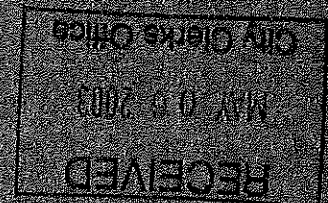
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: 177 ALPHA AVE
Parcel Number: 24-232-011-0001-00
Assessable Frontage: 62.25 Feet
Estimated Front Foot Cost: \$35.50 per Foot
ESTIMATED TOTAL COST \$2,209.88

Property Description

CITY OF MUSKOGON
DENNIS SMITH & COS SOUTH SIDE ADDITION
LOT 1 BLK 11



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner: William Hays
Signature: William Hays
Address: 177 Alpha Ave

CoOwner/Spouse: Harley M Hays
Signature: Harley M Hays
Address: 177 Alpha Ave

Thank you for taking the time to vote on this important issue.

49441

Muskogon, MT
49441

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By MAY 13, 2003

Project Title: ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

Project Description: NEW CONSTRUCTION

WORK INCLUDES CURB & GUTTER, DRAINAGE SYSTEM AND HARD SURFACE PAVEMENT - CONCRETE OR ASPHALT WIDTH MIN 27'

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address:	1855 5TH ST
Parcel Number	24-232-012-0007-00
Assessable Frontage:	62.25 Feet
Estimated Front Foot Cost:	\$35.50 per Foot
ESTIMATED TOTAL COST	\$2,209.88

Property Description

CITY OF MUSKEGON
DENNIS SMITH & COS SOUTH SIDE ADDITION
LOT 7 BLK 12

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Katecha Wedlow

CoOwner/Spouse

Signature

Katecha Wedlow

Signature

Address

1855 Fifth St

Address

Thank you for taking the time to vote on this important issue.

2

RECEIVED

MAY 12 2003

City Clerks Office

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT To have your voice count, please

Return This Card By **MAY 13, 2003**

Project Title: **ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.**

Project Description: **NEW CONSTRUCTION**

WORK INCLUDES CURB & UTILITY DRAINAGE SYSTEM AND HARD SURFACE PAVEMENT - CONCRETE OR ASPHALT (SEE CITY 2003)

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes received by the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted line on the end page on the reverse side showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. If YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: **1856 COMMERCE ST.**

Parcel Number: **24-232-0112-0008-00**

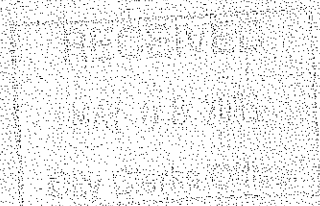
Assessable Frontage: **02.28 Feet**

Estimated Front Foot Cost: **\$35.00 per Foot**

ESTIMATED TOTAL COST \$2,400.00

Property Description

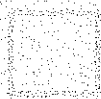
CITY OF JEFFERSON
DANIELS OWNED LOS SOUTH SIDE ADDITION
LOT 8 BLK 12



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Co-Owner/Spouse

Signature

Signature

Address

Address

Thank you for taking the time to vote on this important issue.

Handwritten signatures and notes at the bottom right of the card.

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **MAY 13, 2003**

Project Title: **ALPHA AVE., COMMERCE ST. TO JEFFERSON ST**

Project Description: **NEW CONSTRUCTION**

WORK INCLUDES CURB & GUTTER, DRAINAGE SYSTEM AND HARD SURFACE PAVEMENT - CONCRETE OR ASPHALT WIDTH MIN 27'

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. **IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.**

Assessment Information

Property Address: **1854 5TH ST**
Parcel Number: **24-232-007-0008-00**
Assessable Frontage: **62.5** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$2,219.75



Property Description

CITY OF MUSKOGEE
DENNIS SMITH & CO'S SOUTH SIDE ADDITION
LOT B BLK 7

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner: GERALD TISCH Co-Owner/Spouse: JOSEPHINE TISCH
Signature: [Signature] Signature: [Signature]
Address: 1854 FIFTH ST Address: 1854 FIFTH ST

Thank you for taking the time to vote on this important issue.

H-1570 ALPHA ST., COMMERCE ST. TO JEFFERSON ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 12									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	499.000 ***		6	177	ALPHA	24-232-011-0001-00	62.25	1	1856	COMMERCE	24-232-612-0008-00	62.25
			3	1854	FIFTH	24-23--007-00008-00	62.25	5	1872	COMMERCE	24-232-011-0014-00	62.25
FRONT FEET OPPOSED	124.50	24.95%	2	1855	FIFTH	24-232-012-0007-00	62.25					
RESPONDING FRONT FEET IN FAVOR	186.750	37.42%										
NOT RESPONDING - FRONT FEET IN FAVOR	187.750	37.63%										
TOTAL FRONT FEET IN FAVOR	374.500	75.05%										

TOTALS

186.75

124.50

TABULATED AS OF: 04:56 PM

SPECIAL ASSESSMENT

H 1570

NEW CONSTRUCTION

HEARING DATE

MAY 13, 2003

ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

24-232-007-0007-00	MCLAURIN CAROL R	ASSESSABLE FEET:	62.5
	1853 JEFFERSON ST	COST PER FOOT:	\$35.50
@ 1853. JEFFERSON MUSKEGON MI		ESTIMATED P.O. COST:	\$2,218.75

24-232-007-0008-00	TISCH GERALD A/JOSEPHINE	ASSESSABLE FEET:	62.5 <i>yes</i>
	1854 5TH ST	COST PER FOOT:	\$35.50
@ 1854. 5TH ST MUSKEGON MI		ESTIMATED P.O. COST:	\$2,218.75

24-232-008-0001-00	RUSH QUEENIE D	ASSESSABLE FEET:	62.5
	1871 JEFFERSON ST	COST PER FOOT:	\$35.50
@ 1871. JEFFERSON MUSKEGON MI		ESTIMATED P.O. COST:	\$2,218.75

24-232-008-0014-00	HUSMANN TODD	ASSESSABLE FEET:	62.5
	1872 5TH ST	COST PER FOOT:	\$35.50
@ 1872. 5TH ST MUSKEGON MI		ESTIMATED P.O. COST:	\$2,218.75

24-232-011-0001-00	HINES WILTON/AUDREY	ASSESSABLE FEET:	62.25 <i>yes</i>
	177 ALPHA AVE	COST PER FOOT:	\$35.50
@ 177.0 ALPHA AVE MUSKEGON MI		ESTIMATED P.O. COST:	\$2,209.88

24-232-011-0014-00	TYLER JAMES	ASSESSABLE FEET:	62.25 <i>No</i>
	1872 COMMERCE ST	COST PER FOOT:	\$35.50
@ 1872. COMMERCE MUSKEGON MI		ESTIMATED P.O. COST:	\$2,209.88

24-232-012-0007-00	WEDLAW LATECHA A	ASSESSABLE FEET:	62.25 <i>yes</i>
	1855 5TH ST	COST PER FOOT:	\$35.50
@ 1855. 5TH ST MUSKEGON MI		ESTIMATED P.O. COST:	\$2,209.88

ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

24-23 2-012-0008-00

BLAIS KAREN L TRUST

ASSESSABLE FEET:

62.25

185 W LAKETON AVE

COST PER FOOT:

\$35.50

@ 1856.

COMMERCE MUSKEGON

MI

ESTIMATED P.O. COST:

\$2,209.88

SUM OF ASSESSABLE FOOTAGE:

499.00

SUM OF ESTIMATED P.O. COST:

\$17,714.50

TOTAL NUMBER OF ASSESSABLE PARCELS

8.00

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Franklin, Washington to Michigan

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Franklin, Washington to Michigan Project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003-41 (f)

Resolution At First Hearing Creating Special Assessment District
For **Franklin, Washington to Michigan**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **May 13, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **May 13, 2003**, there were 33.33% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Larson and Mayor Warmington
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **22.14%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **May 13, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

FRANKLIN ST. FROM WASHINGTON TO MICHIGAN

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Franklin St. from Washington to Michigan

Exhibit A

Special Assessment District



STERN AV

MICHIGAN AV

WASHINGTON AV

W GRAND AV

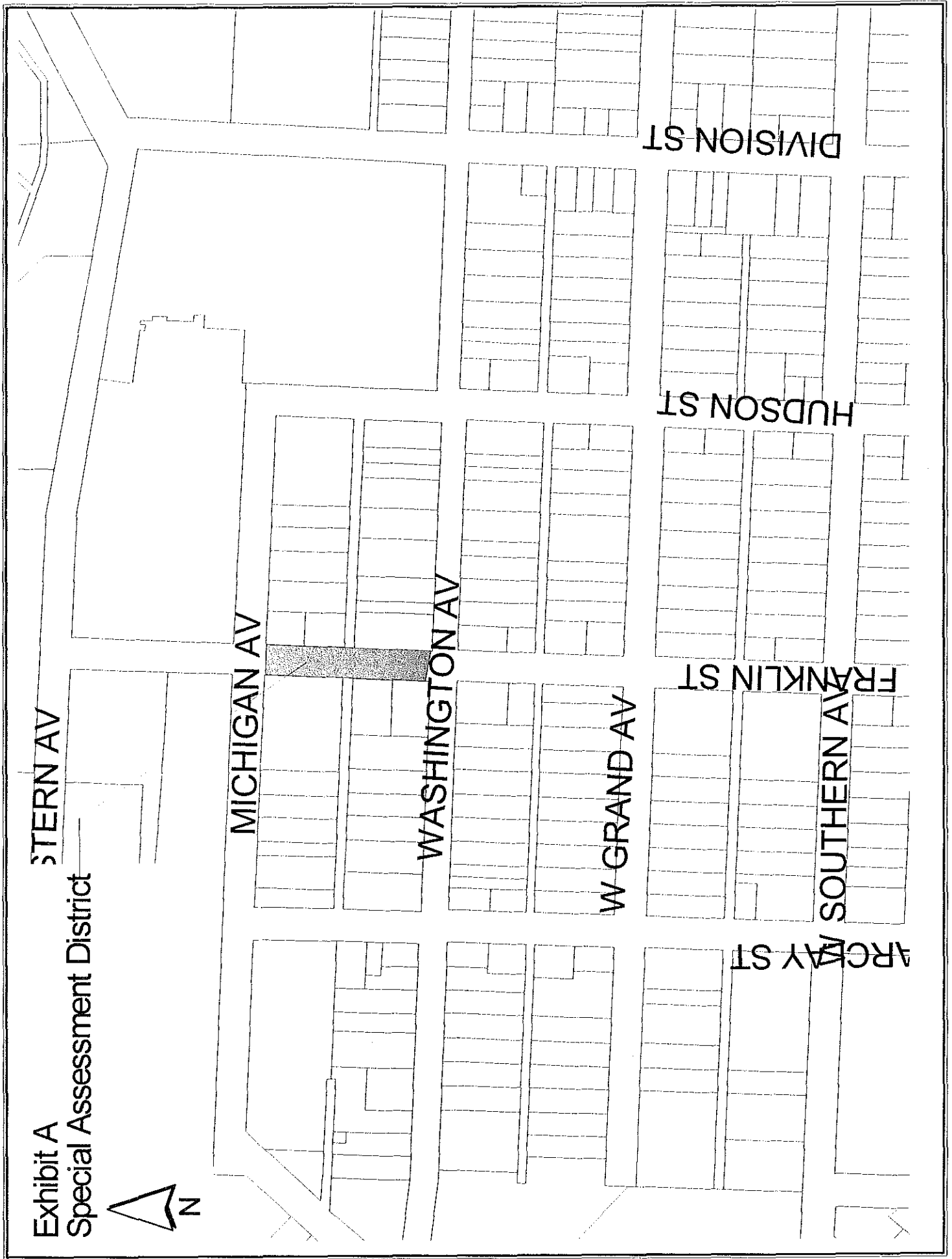
DIVISION ST

HUDSON ST

FRANKLIN ST

SOUTHERN AV

ARCADE ST



ENGINEERING FEASIBILITY STUDY

For

FRANKLIN ST. FROM WASHINGTON AVE. TO MICHIGAN

The proposed reconstruction of Franklin, Washington to Michigan, see attached location map, was initiated by the City due to:

1. the conditions of the road
2. the need to renew the sanitary sewer
3. this section is close to the Washington, Franklin to Lakeshore Dr. Project which was awarded to Prince Bridge & Marines. Should the district be created, this project can be added to the aforementioned contract as a change order which would save the City a lot of Money.
4. The drainage in this section of Franklin is in bad shape that requires an ongoing and costly maintenance that is not solving the problem.

The proposed project consists of a total removal of all existing pavements including curb and gutter and the placement of a new street pavement that will include a new curb and gutter. In addition to the roadway work, a new 15" sanitary sewer is being proposed.

A memo from the Assessor's office, which addresses the appraisal and benefit information is attached.

The preliminary cost estimate for the work associated with paving is approximately \$80,000 with the length of the project being approximately 340 lineal feet or 495 of assessable front footage. This translates into an estimated improvement cost of \$161 per assessable foot. The assessment figure will be at a cost not to exceed \$35.50 per front foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442

(231) 724-6386

FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

April 29, 2003

Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Franklin Street between Michigan Ave and Washington Ave. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is April 29, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.50 for the reconstruction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.38. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

Vicki A. Emery
Vicki A Emery, CMAE 3

Senior Appraiser

MAY 2, 2003

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE 49457 3

Parcel Number 24-XXX-XXX-XXXX-XX: at PROPERTY ADDRESS STREET

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Franklin St., Washington Ave. to Michigan Ave.

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MAY 13, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

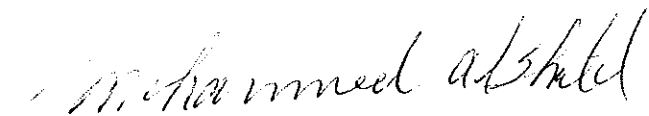
The total estimated cost of the street portion of the project is \$80,000.00 of which approximately 22.14% (\$17,714.50) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and financial assistance programs available.

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON
STREET H-1569
FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ **Wage earner:** _____
(Must include all household income) _____ **Wage earner:** _____
_____ **Wage earner:** _____
_____ **Wage earner:** _____
Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **MAY 13, 2003**

Project Title: **FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.**

Project Description **RECONSTRUCTION**

WORK INCLUDES REMOVAL OF EXISTING PAVEMENT AND CONSTRUCTION OF NEW CURB & GUTTER STREET, ALONG WITH REPLACEMENT OF STORM SEWER ,SANITARY SEWER (NOT PART OF ASSESSMENT)

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: **PROPERTY ADDRESS**

Parcel Number **24-XXX-XXX-XXXX-XX**

Assessable Frontage: **80** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$2,840.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 472
S 80 FT OF LOT 18

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

Thank you for taking the time to vote on this important issue.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Alpha St., Commerce St. to Jefferson St.
and
Franklin St., Michigan Ave. to Washington Ave.**

The location of the special assessment districts and the properties proposed to be assessed are:

- **All parcels abutting Alpha St. from Commerce St. to Jefferson St.
and**
- **All parcels abutting Franklin St. from Michigan Ave. to Washington Ave.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MAY 13, 2003 AT 5:30 O'CLOCK P.M.**

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **May 3, 2003**

Gail Kunding, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Franklin St., Washington Ave. to Michigan Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF MAY, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT

H 1569

RECONSTRUCTION

HEARING DATE

MAY 13, 2003

FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.

24-205-472-0001-00	BRANDOW CHERYL	ASSESSABLE FEET:	165
	385 W MICHIGAN	COST PER FOOT:	\$35.50
@ 1069.	MICHIGAN A TWIN LAKE MI	ESTIMATED P.O. COST:	\$5,857.50

24-205-472-0018-00	RENNA ARTHUR/IOLA	ASSESSABLE FEET:	85
	1403 FRANKLIN ST	COST PER FOOT:	\$35.50
@ 1403.	FRANKLIN S MUSKEGON MI	ESTIMATED P.O. COST:	\$3,017.50

24-205-472-0018-10	GREER TIMOTHY E	ASSESSABLE FEET:	80
	1046 WASHINGTON AVE	COST PER FOOT:	\$35.50
@ 1046.	WASHINGT MUSKEGON MI	ESTIMATED P.O. COST:	\$2,840.00

24-205-473-0008-00	LAKESIDE INVESTMENTS LLC	ASSESSABLE FEET:	41.25
	PO BOX 359	COST PER FOOT:	\$35.50
@ 1376.	FRANKLIN S MUSKEGON MI	ESTIMATED P.O. COST:	\$1,464.38

24-205-473-0008-10	LAKESIDE INVESTMENTS LLC	ASSESSABLE FEET:	41.25
	PO BOX 359	COST PER FOOT:	\$35.50
@ 1398.	FRANKLIN S MUSKEGON MI	ESTIMATED P.O. COST:	\$1,464.38

24-205-473-0009-00	SCOTT FARRAH	ASSESSABLE FEET:	82.5
	1330 5TH ST	COST PER FOOT:	\$35.50
@ 1032.	WASHINGT MUSKEGON MI	ESTIMATED P.O. COST:	\$2,928.75

SUM OF ASSESSABLE FOOTAGE:	<u>495.00</u>	SUM OF ESTIMATED P.O. COST:	<u>\$17,572.50</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	6.00		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **MAY 13, 2003**

Project Title: **FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.**

Project Description: **RECONSTRUCTION**

WORK INCLUDES REMOVAL OF EXISTING PAVEMENT AND CONSTRUCTION OF NEW CURB & GUTTER STREET, ALONG WITH REPLACEMENT OF STORM SEWER, SANITARY SEWER (NOT PART OF ASSESSMENT)

INSTRUCTIONS

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Assessment Information

Property Address: **1403 FRANKLIN ST**

Parcel Number **24-205-472-0018-00**

Assessable Frontage: **85** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$3,017.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 472
N 85 FT OF LOT 18

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Lala Renna

CoOwner/Spouse

Signature

Lala Renna

Signature

Address

1403 Franklin

Address

Thank you for taking the time to vote on this important issue.

RECEIVED

MAY 12 2003

City Clerks Office

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **MAY 13, 2003**

Project Title: **FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.**

Project Description: **RECONSTRUCTION**

WORK INCLUDES REMOVAL OF EXISTING PAVEMENT AND CONSTRUCTION OF NEW CURB & GUTTER STREET, ALONG WITH REPLACEMENT OF STORM SEWER, SANITARY SEWER (NOT PART OF ASSESSMENT)

INSTRUCTIONS

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Assessment Information

Property Address: **1069 MICHIGAN AVE**

Parcel Number **24-205-472-0001-00**

Assessable Frontage: **165** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$5,857.50

Property Description

CITY OF MUSKEGON
LOTS 1 2 3 & 4 BLK 472



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Cheryl Branch

CoOwner/Spouse

Signature

Cheryl Branch

Signature

Address

Address

Thank you for taking the time to vote on this important issue.

H-1569, S-586 FRANKLIN ST. WASHINGTON AVE. TO MICHIGAN AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 12									
			FOR					OPPOSE				
			LETTER	ST#	ST NAME	PARCEL#	FEET	LETTER	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	495.000 ***		2	1403	FRANKLIN	24-205-472-0018-00	85.00	3	1069	MICHIGAN	24-205-472-0001-00	165.00
FRONT FEET OPPOSED	165.00	33.33%										
RESPONDING FRONT FEET IN FAVOR	85.000	17.17%										
NOT RESPONDING - FRONT FEET IN FAVOR	245.000	49.49%										
TOTAL FRONT FEET IN FAVOR	330.000	66.67%										

TOTALS

85.00

165.00

TABULATED AS OF: 04:58 PM

SPECIAL ASSESSMENT

H 1569

RECONSTRUCTION

HEARING DATE

MAY 13, 2003

FRANKLIN ST., WASHINGTON AVE. TO MICHIGAN AVE.

24-205-472-0001-00 BRANDOW CHERYL
385 W MICHIGAN
@ 1069. MICHIGAN A TWIN LAKE MI
ASSESSABLE FEET: 165 ✓
COST PER FOOT: \$35.50
ESTIMATED P.O. COST: \$5,857.50

24-205-472-0018-00 RENNA ARTHUR/IOLA
1403 FRANKLIN ST
@ 1403. FRANKLIN S MUSKEGON MI
ASSESSABLE FEET: 85 up
COST PER FOOT: \$35.50
ESTIMATED P.O. COST: \$3,017.50

24-205-472-0018-10 GREER TIMOTHY E
1046 WASHINGTON AVE
@ 1046. WASHINGT MUSKEGON MI
ASSESSABLE FEET: 80
COST PER FOOT: \$35.50
ESTIMATED P.O. COST: \$2,840.00

24-205-473-0008-00 LAKESIDE INVESTMENTS LLC
PO BOX 359
@ 1376. FRANKLIN S MUSKEGON MI
ASSESSABLE FEET: 41.25
COST PER FOOT: \$35.50
ESTIMATED P.O. COST: \$1,464.38

24-205-473-0008-10 LAKESIDE INVESTMENTS LLC
PO BOX 359
@ 1398. FRANKLIN S MUSKEGON MI
ASSESSABLE FEET: 41.25
COST PER FOOT: \$35.50
ESTIMATED P.O. COST: \$1,464.38

24-205-473-0009-00 SCOTT FARRAH
1330 5TH ST
@ 1032. WASHINGT MUSKEGON MI
ASSESSABLE FEET: 82.5
COST PER FOOT: \$35.50
ESTIMATED P.O. COST: \$2,928.75

SUM OF ASSESSABLE FOOTAGE: 495.00
TOTAL NUMBER OF ASSESSABLE PARCELS 6.00
SUM OF ESTIMATED P.O. COST: \$17,572.50

AGENDA ITEM NO. 2003-42 a)

CITY COMMISSION MEETING 5/13/03

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: May 1, 2003
RE: Special Election Agreement - Casino Gaming

SUMMARY OF REQUEST:

To approve an agreement with Archimedes CBD, LLC/Group One for payment of costs associated with a special election regarding casino gaming. This request is also to approve setting the date of the election for September 9, 2003.

FINANCIAL IMPACT:

None. The cost of the election will be reimbursed by Archimedes CBD, LLC/Group One.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the agreement with Archimedes CBD, LLC/Group One and set the date of the election for September 9, 2003.

COMMITTEE RECOMMENDATION:

None.

AGENDA ITEM NO. 2003-42 b)

CITY COMMISSION MEETING 05/13/03

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 6, 2003

RE: Veterans Park Maintenance

SUMMARY OF REQUEST:

To approve an agreement between the City of North Muskegon, the County of Muskegon, and the City of Muskegon for the maintenance of Veterans Park.

FINANCIAL IMPACT:

The cost for 2003 is estimated at \$15,000.

BUDGET ACTION REQUIRED:

A budget adjustment for 2003 will be necessary to accommodate the City's costs per this agreement.

STAFF RECOMMENDATION:

To approve the attached term sheet and authorize the Mayor and City Clerk to sign a formalized agreement approved by the City Manager and City Attorney.

COMMITTEE RECOMMENDATION:

None.

TERM SHEET

MAINTENANCE OF VETERANS MEMORIAL PARK

1. The County of Muskegon will take ownership of the entire park (portions in Cities of North Muskegon and City of Muskegon).
2. The County of Muskegon, City of North Muskegon and the City of Muskegon agree to fund the maintenance costs of the park at the following percentage rates:

A. County of Muskegon	42.5 %
B. City of Muskegon	42.5 %
C. City of North Muskegon	15 %
3. A board/committee with equal representation of each funding entity will be established to determine the annual budget for maintenance of the park and to review and approve expenditures for such maintenance. The Muskegon County Department of Veterans Affairs will appoint one person to advise the board/committee.
4. The City of Muskegon will be responsible for the physical maintenance of the park utilizing the funds from each entity by either using its own personnel and equipment or contracting for this work.
5. Maintenance activities include the following:
 - A. Mowing and trimming the grass.
 - B. Trash and litter removal.
 - C. Maintaining the current irrigation system (replacing heads, repairing pumps, fixing leaks, etc.)
 - D. Pruning trees and shrubs.
 - E. Maintenance of parking lots.
 - F. Painting structures and fixtures.
 - G. Minor repairs to bridges and Cannons (not including structural repairs).
6. The board/committee will review and approve all proposals for capital replacement items or the placement of new capital items in the park.

7. Capital replacement or new capital items are not included in the maintenance activities and are subject to approval by the board/committee. They are as follows:
 - A. Bridges.
 - B. New and existing irrigation systems (including pumps).
 - C. New trees.
 - D. Concrete trail.
 - E. Fountain (including lighting).
 - F. Monuments.
 - G. Cannons
 - H. Any new items added to the park after December 31, 2002, including, but not limited to the following:
 1. New parking lots.
 2. Paved areas of parking lots.
 3. New flagpoles and monuments.
 4. Retaining structure for ponds.
 5. New kiosks.
 6. Additional trail(s).
8. If any county-wide millage becomes available that can be used for maintenance of the park or if any additional veterans millage is levied for park maintenance purposes that allows for the reduction in cost to any of the funding entities, then savings will be apportioned to all the funding entities and thereby reduce there costs on a pro rata basis.

2003-42c)

Commission Meeting Date: May 13, 2003

Date: April 29, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for properties located within 'Area 10b'

SUMMARY OF REQUEST:

Request to rezone many of the properties located within 'Area 10b' (bounded by Washington Ave., Seaway Dr., Southern Ave. and Peck St.).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 4/10 meeting, with one change in the proposed zoning. They recommended that the six lots facing Peck St. in Block 423 be rezoned to R-1, Single-Family Residential instead of RM-1, Low Density Multiple-Family Residential. The vote was unanimous with J. Aslakson absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2102

An ordinance to amend the zoning map of the City to provide for zoning changes for certain properties within the area bounded by Washington Ave., Seaway Dr., Southern Ave. and Peck St.

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 properties as follows (see attached map):

All properties located within the Revised Plat of 1903 of the City of Muskegon:

- ◆ Block 402 from RT, Two-Family Residential and B-1, Limited Business to R-1, Single-Family Residential, RM-1, Low Density Multiple-Family Residential and B-1, Limited Business
- ◆ Blocks 405, 406, 407, 408 and 409 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 410 from RT, Two-Family Residential and I-1, Light Industrial to R-1, Single-Family Residential, OSR, Open Space Recreation, and I-1, Light Industrial
- ◆ Block 415 from I-2, General Industrial to I-1, Light Industrial
- ◆ Block 416 from I-2, General Industrial, B-4, General Business, and RT, Two-Family Residential to OSR, Open Space Recreation, B-2, Convenience & Comparison Business and R-1, Single-Family Residential
- ◆ Blocks 417, 418, 419 and 420 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 423 from RT, Two-Family Residential, B-1, Limited Business and RM-1, Low Density Multiple-Family Residential to R-1, Single-Family Residential

This ordinance adopted: May 13, 2003

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

Nays: None

Adoption Date: May 13, 2003

Effective Date: June 9, 2003

First Reading: May 13, 2003

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunder
Gail A. Kunder, MMC, City Clerk

CERTIFICATE (City Commission Date: May 13, 2003, Rezoning of Area 10b)

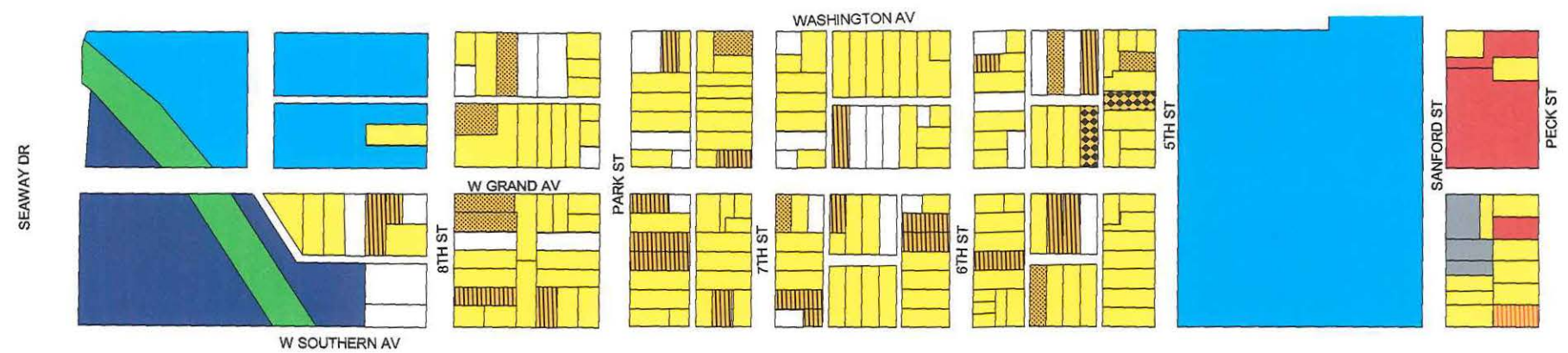
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 13th day of May, 2003, 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: 5-16, 2003.

Gail A. Kunding
Gail A. Kunding, MMC
Clerk, City of Muskegon

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

Area 10b Land Use
Corrected as of April 10, 2003



Parcel	
	C
	CP
	I
	IC
	IS
	P
	R1
	R2
	R3
	R4
	RC
	RM
	V
	VB

**Area 10b
Proposed Zoning**



SHORELINE DR

SHORELINE DR

GLADE ST

WASHINGTON AV

E SABEL

IRWIN

RM-1

B-1

R-1

R-1

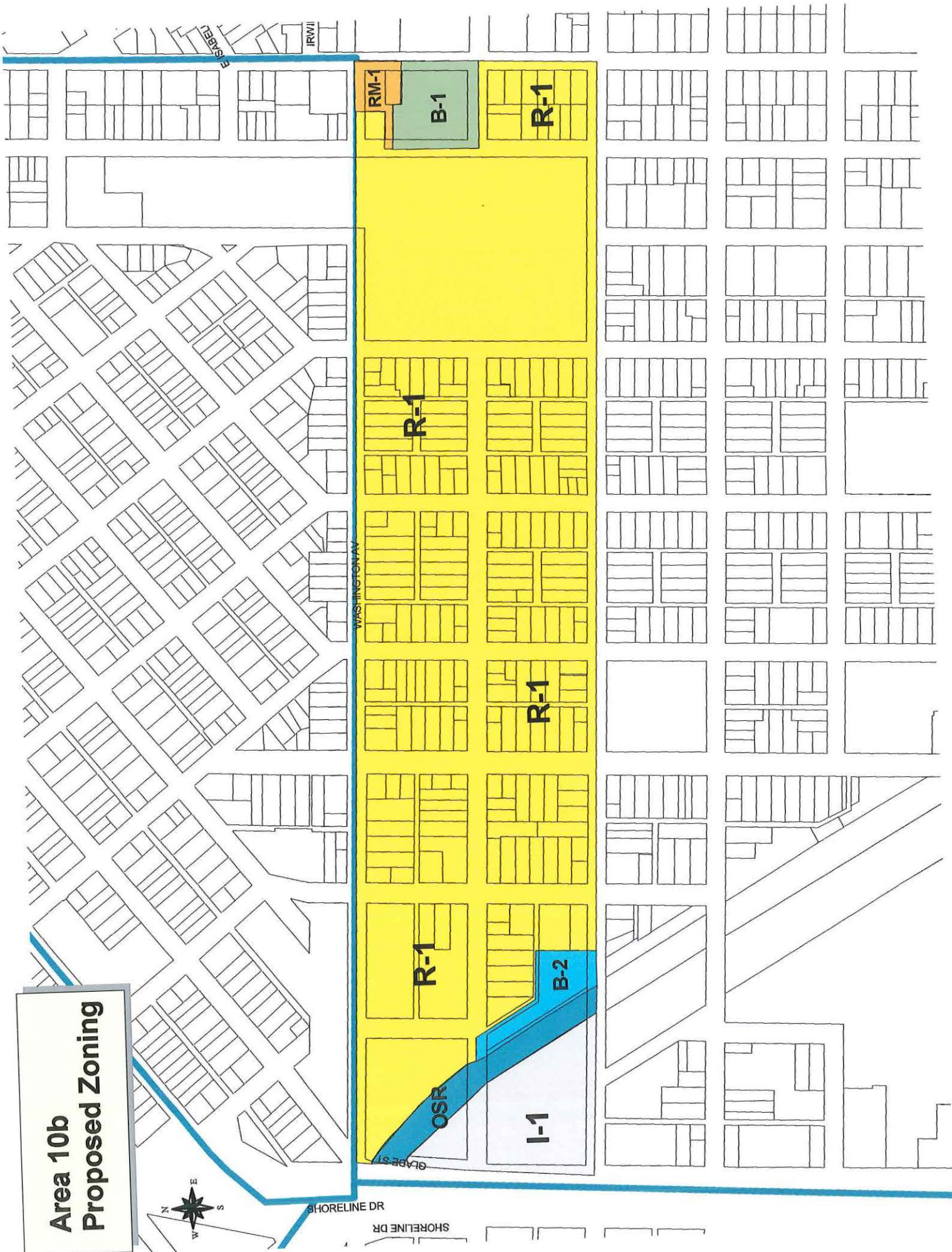
R-1

R-1

B-2

I-1

OSR



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
April 10, 2003

Hearing; Case 2003-10: Staff-initiated request to rezone multiple properties in the portion of the city bounded by Washington Ave., Seaway Dr., Southern Ave. and Peck St.

BACKGROUND

This rezoning is a continuation of the 'Area 10' rezoning which was done last fall. At that time, the City Commission asked staff to look into the possibility of continuing the rezoning to the area south of Washington Ave., which was left mostly zoned as 'RT, Two-Family Residential' at that time. Staff has followed the same process as before in terms of conducting a land-use survey of the area and proposing downzoning for the residential, commercial and industrial properties in the area.

Staff visually inspected every one of the 219 parcels within what is being called 'Area 10b'. Each parcel was given a land-use designation (see enclosed land use map of Area 10b):

C.....Commercial
CPCemetery/Park
I.....Industrial
ICInstitutional-Church
IGInstitutional-Government
IS.....Institutional-School
PParking
R1.....One-Family Residential
R2.....Two-Family Residential
R3.....Three-Family Residential
R4.....Four-Family Residential
RC.....Residential/Commercial
RM.....Multiple-Family Residential
V.....Vacant
VB.....Vacant Business

As before, staff has sent letters to each of the property owners asking them to verify that the land

use designation for their property(ies) has been correctly identified. This effort is ongoing, but staff anticipates having a complete and accurate picture of the current land uses to add to the existing land use study previously done in Area 10.

Based in part on the land use information gained so far by the survey, and on what the Master Plan and recent planning efforts have stated for this general area, staff is proposing that most of the properties within Area 10b be rezoned. A mailing has been sent to every property owner and tenant of record, both within Area 10b and within 300 feet of the boundaries of Area 10b, informing them that this rezoning is being proposed and discussed by the Planning and City Commissions.

The current zoning of most of the residential properties within Area 10b (see enclosed map labeled 'Current Zoning') is RT, Two-Family Residential. There is a small amount of RM-1, Low Density Multiple-Family Residential, zoning along Peck St. The land use survey showed that although there are some existing multi-family dwellings within the area, the majority of residential properties do contain single-family homes. Therefore, staff is proposing to rezone most of the residential properties to R-1, Single-Family Residential. Any existing multi-family units would be permitted to remain as legal nonconforming uses, but no further single-family homes would be able to be converted to multi-family units.

The small stretch of Peck St. would be zoned as RM-1, consistent with the rest of Peck St. Staff is proposing that the Clock Funeral Home property be left as B-1 zoning and that the zoning be aligned with the existing parcel boundaries. The Muskegon High School property was rezoned as part of the earlier, Area 10, process, so is not included in the current request.

The existing industries on the west side of Area 10b would either be left zoned as I-1, Light Industrial, or rezoned from I-2, General Industrial, to I-1. There is one parcel currently zoned as B-4, General Business. Staff is proposing that this property be downzoned to B-2, Convenience & Comparison Business. The current use, a roofing contractor, would still be permitted in the B-2 district under Special Use Permit.

Please see the enclosed map labeled 'Proposed Zoning' for the specifics of what staff is proposing for the entire Area 10b.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.

3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - a. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - b. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - c. A spot zone is **appropriate if it complies with the Master Plan**.

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on May 13, 2003, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to change the zoning of the following described properties as follows:

All properties located within the Revised Plat of 1903 of the City of Muskegon, in the area bounded by Washington Ave., Seaway Dr., Southern Ave., and Peck St.:

- ◆ Block 402 from RT, Two-Family Residential and B-1, Limited Business to R-1, Single-Family Residential, RM-1, Low Density Multiple-Family Residential and B-1, Limited Business
- ◆ Blocks 405, 406, 407, 408 and 409 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 410 from RT, Two-Family Residential and I-1, Light Industrial to R-1, Single-Family Residential, OSR, Open Space Recreation, and I-1, Light Industrial
- ◆ Block 415 from I-2, General Industrial to I-1, Light Industrial
- ◆ Block 416 from I-2, General Industrial, B-4, General Business, and RT, Two-Family Residential to OSR, Open Space Recreation, B-2, Convenience & Comparison Business and R-1, Single-Family Residential
- ◆ Blocks 417, 418, 419 and 420 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 423 from RT, Two-Family Residential, B-1, Limited Business and RM-1, Low Density Multiple-Family Residential to R-1, Single-Family Residential

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 30, 2003, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
Its Clerk

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

Account No. 101-80400-5354

2003-42d)

Commission Meeting Date: May 13, 2003

Date: May 13, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: Relocation of Power Line- Terrace Lot

SUMMARY OF REQUEST: It is necessary at some point to relocate the Consumer's Power line located at the NW corner of the Terrace Lot property owned by the City. If the City works with Westwood (who owns the adjacent property) to relocate the lines at the present time, the total cost will be approximately \$256,000 (with a possible 3-5% inflation increase). Westwood has agreed to pay for \$120,000, or a 47% contribution, of the cost. The City will pay \$136,000 (53%). If the costs are less than \$256,000, we will share in the savings, based on percentage of contribution. If the costs exceed \$256,000, up to 5% more, we will share in the additional costs. If the costs exceed 5%, we will not proceed with the project.

FINANCIAL IMPACT: The cost for the City will be approximately \$136,000.

BUDGET ACTION REQUIRED: The funds will come from the City's Development Fund.

STAFF RECOMMENDATION: To approve the request, as outlined.

COMMITTEE RECOMMENDATION: The Working Session of the City Commission will review this matter at their May 12, 2003 meeting, and recommended that staff attempt to negotiate a deal with Westwood.

Furthermore, this Agreement is conditional on granting the necessary easements to install the powerline system along the Westwood property and the City's property.

Memorandum

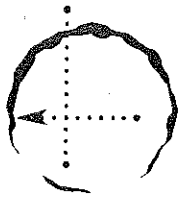
To: Honorable Mayor and City Commission
CC: Bryon Mazade, City Manager
From: Cathy Brubaker-Clarke, Director of Community & Economic Development and
Mohammed Al-Shatel, City Engineer
Date: 05/07/03
Re: Relocation of Power Line on City-Owned Terrace Lot

As part of the development of Shoreline Drive and the Terrace Lots, it is necessary to relocate major power lines owned by Consumer's Power. These plans were known prior to the sale of the first Terrace Lot to Westwood for development of National City. At the time, Westwood agreed to finance the entire power line relocation, in the amount of approximately \$246,000, since the lines were being relocated on the Terrace Lot property, for Westwood's benefit. The new pole will be located in the NW portion of the second Terrace Lot. The City has retained ownership of this lot. Since the City is not selling this second lot to Westwood at this time, Westwood no longer has an interest in paying for the entire power line relocation. In order to obtain power for the National City site, a connection can be made from the new pole on the City-owned Terrace Lot, across Terrace Street, to the lot owned by Westwood. Westwood would pay for this extension to their site. Their cost would be approximately \$110,000 to \$122,000.

If the extension is made only to the Westwood property at this time, either the City or the new owner of the Terrace Lot will be required to relocate the pole from the NW corner, to the South of the property, where additional power lines will be added. The cost to relocate the power line at that point will be at least \$246,000 (which is in addition to the \$110,000+ that Westwood would spend now). However, if the entire relocation occurs now, the total cost would be approximately \$246,000 (possible inflation of 3-5%).

In a letter from Westwood, dated April 24, 2003 (see attached), they agree to \$100,000 (although in a meeting Mohammed and Cathy had with Westwood, we discussed splitting the cost). If the City agrees to pay for part of the relocation now, we could be reimbursed through the sale of the property at a later date. If the City chooses not to participate at this time, the value of the property may decrease due to the necessity to move the power line. In addition, the new owners would be required to relocate the power line at their own expense (which would add \$246,000+ to the cost of the land purchase).

The City Commission is asked to review Westwood's request, although staff is recommending that the proposal from Westwood be denied.



Westwood

717
40-2-001
MUSKEGON, MI 49440-0536
MUSKEGON, MI 49440-0536

April 24, 2003
Mr. Bryon Mazade, City Manager
City of Muskegon
933 Terrace Street
P. O. Box 536
Muskegon, MI. 49443-0536

RE: Consumer's Electric Transmission Line Relocation on Terrace Dr. from the power sub-station to the new National City Bank Building

Dear Mr. Mazade:

I am writing this letter following my meeting last Friday with Ken King and John Brack of Consumer's Electric and Cathy Brubaker-Clarke and Mohammed S. Al-Shatel of the City. At that meeting, we discussed the power line relocation that was previously approved to get power to our new building and at the same time removing the existing power lines from the remaining 9.3 acre site. The original cost for the relocation was to be \$246,000. That number is now increased by 3-5% due to the lapse of time.

When we thought that we were acquiring the 9.3 acre site, this number made economic sense since the cost could be spread over the entire 11 acres. Since that is no longer possible, we need to seek either a dollar sharing arrangement with the City to complete the relocation or we need to obtain an alternative method to get the power relocated to our site using the existing lines.

In our Friday discussion, we could leave the existing poles and pay approximately \$110,000 to \$122,000 to relocate the lines. The lines would then need to be relocated a second time at an estimated additional cost of \$246,000 by either the City or the eventual developer of the remaining 9.3 acre property when it is sold.

It is our feeling that doing the relocation now, and only once, is in the best interests of Consumers, the City, and ourselves. This would allow all the relocation problems to be resolved for the whole area at this time. It would permit the city to increase the price of the property since neither they nor the new developer would be paying \$246,000 for another relocation at a later date. It would also allow for the power clean up of the area in concert with all the associated improvements that are being completed for the Terrace and Shoreline Drive projects.

To expedite the process, Terrace Development, L.L.C. would be willing to make a capital contribution of \$100,000, or a 40% contribution toward the entire power relocation if it can be done at this time. We feel that this contribution is equitable since we only own approximately 15% of the land being improved. The city land (85%) will have its value enhanced by over \$209,000 of added value for an approximate capital contribution of \$150,000. This represents a 39% return on your capital.

As per our meeting of last week, we understand that the Council will need to decide this issue. We would be happy to appear to discuss the issue with either city officials or the Council. Consumer's is the driving force in our need to receive direction in the next week. They need to start engineering and place us in the construction schedule as soon as possible. Right now, the earliest that the work can be scheduled is late August of this year. We need to have the building open for the bank no later than October 30, 2003. Once the relocation is complete, we need 45 days to complete the remainder of the site work and the paving for the parking lot. This cannot be accomplished until we are able to remove the existing poles from our property, which, in turn, can be done until the relocation is finished.

Should you wish to discuss this further with either myself or Michael Bowen, please feel free to call us. Also, as soon as you are able to have an internal decision as to staff recommendation to the Council, please advise us so we can complete discussions with Consumer's.

Thank you for your assistance in this matter.

Respectfully,



Greg Brendel,
Agent for Terrace Development, L.L.C.

CC: Michael Bowen, Westwood Group
Steve Adams, Westwood Development
Cathy Brubaker-Clarke, City of Muskegon ✓
Mohammed Al-Shatel, City of Muskegon
John Brack, Consumer's Electric
Ken King, Consumer's Electric

Consumers Energy

A CMS Energy Company

1945 West Parnall Road
Jackson, MI 49201-8643

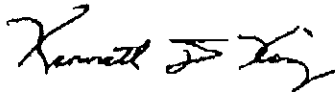
April 25, 2002

COPY

Greg E Brendel
Westwood Construction Co
900 Third St, Suite 204
Muskegon, MI 49440

As a follow-up to my letter dated January 11, 2002 and your letter dated April 16, 2002 (copies attached), Consumers Energy would like to relocate the 46kV power line this summer. We have several poles in the line that we need to move for the proposed Shoreline Drive and if we do these projects together, your cost would be greatly reduced. The estimated cost for your portion is \$158,000, instead of \$205,000. In order for Consumers Energy to give you this cost savings, we need the following conditions met:

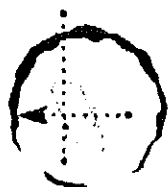
1. Consumers receives a \$10,000 payment from Westwood Construction by May 9, 2002.
2. Consumers receives the rest of the money (\$148,000) prior to the start of construction, approximately June 15, 2002. The dates we have been getting from the City of Muskegon for the Shoreline Project keep changing.
3. Easements are granted to Consumers Energy for the new line route by June 15, 2002.

Kenneth D King
Transmission Line Design

RECEIVED

MAY 6 2003

MUSKEGON
CITY MANAGER'S OFFICE



Westwood

April 16, 2002

Mr. Kenneth D. King
Consumers Energy - Transmission Line Design
1945 West Parnall Road
Jackson, Michigan 49201-8643

RE: 46kV Power Line - Terrace Street, Muskegon, Michigan

Dear Mr. King:

Thank you for your continued cooperation with regard to this matter. This letter will update your letter of January 11, 2002 (a copy of which is attached for your convenience) and conform to our previous discussions since that time. It is the understanding of Terrace Development, L.L.C., the owner of the project, that you will accept a letter of intent for payment of the costs associated with the relocation of the 46kV power line on Terrace Street in Muskegon, Michigan.

The following identifies the terms of this Letter of Intent:

1. Timing: Relocation of 46kV line by October 31, 2002.
2. Easements: Easements as necessary to be given by Terrace Development, L.L.C. and the City of Muskegon to Consumers Energy at no cost to Consumers Energy.
3. Payments: A payment in the amount of \$205,000.00 to be made to Consumers Energy for the costs of the construction by Consumers Energy from the first draw against the owner's financing for the overall construction project.
5. Consumers Energy Work:
 - a. 46kV line to be taken underground from a manhole at Morris and Terrace Streets to a pole approximately 50' southeast along the east side of Terrace Street, thence overhead down the east side of Terrace to Western Avenue, thence along the north side of Western Avenue east to Consumers Energy's existing Terrace Substation.

Terrace Development, L.L.C.

Mr. Kenneth D. King
April 9, 2002
Page 2 of 2

- b. Abandon the manhole in Terrace Street approximately 50' north of Morris Avenue after the relocation of the 46kV line is completed.

If the above proposal is acceptable to you, please sign where indicated below and return one executed copy to the undersigned.

Please feel free to contact Mr. Greg Brendel if you have any questions concerning this proposal.

Sincerely,
TERRACE DEVELOPMENT, L.L.C.



Michael J. Bowen, Managing Member,
The Westwood Group, L.L.C., as
Manager of Terrace Development, L.L.C.

cc: General Counsel
Mr. Greg Brendel, Westwood Construction Co.

APPROVED AND ACCEPTED:

The undersigned has received this proposal and agrees to proceed. Enclosed is our financial statement for your consideration.

CONSUMERS ENERGY

By: _____

Its: _____

Dated: _____

Terrace Dev't - Consumers Tower

Consumers Energy

A CMS Energy Company

COPY

1945 West Paynell Road
Muskegon, MI 49501-0643

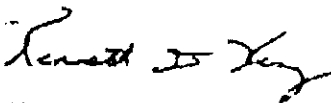
January 11, 2002

Greg E Brendel
Westwood Construction Company
900 Third Street, Suite 204
Muskegon, MI 49440

As requested at our meeting yesterday, I have the cost estimates to relocate the 46kV power line. To relocate line by April 1, 2002 is \$205,000 or relocate by May 1, 2002 is \$180,000. These costs are only for the 46kV transmission line and the costs for the distribution work will be provided to you by our Muskegon office. These costs are based on the following:

1. Line will be underground from a manhole at Morris and Terrace Streets to a pole approximately 50' southeast along the east side of Terrace Street, thence overhead down the east side of Terrace to Western Avenue, thence along the north side of Western Avenue east to our existing Terrace Substation.
2. Easements will be given to Consumers at no cost.
3. The city of Muskegon will have Terrace Street near the manhole at Morris Street rerouted by March 1, 2002.
4. The city of Muskegon provides Consumers Energy with \$60,000 by March 1, 2002 to relocate the three poles on the north side of Terrace Sub which are in the way of the proposed Shoreline Drive.
5. Consumers receives a \$90,000 down payment from Westwood Construction by January 21, 2002 with the rest of the money due prior to our construction start date of approximately one month before the completion date.

Also, Consumers Energy will be abandoning the manhole in Terrace Street approximately 50 feet north of Morris Avenue after our relocation is complete.



Kenneth D King
Transmission Line Design

RECEIVED



Westwood

April 16, 2002

Mr. John P. Brack
Consumers Energy – Muskegon Service Center
2021 Hoyt Street
Muskegon Heights, Michigan 49444

**RE: Primary Overhead and Underground Distribution Line Relocation
Terrace Street, Muskegon, Michigan**

Dear Mr. Brack:

Thank you for your continued cooperation with regard to this matter. This letter will update your letter of January 22, 2002, a copy of which is attached for your convenience, and conform to our previous discussions since that time. It is the understanding of Terrace Development, L.L.C., the owner of the project, that you will accept a letter of intent for payment of the costs associated with the relocation of the primary overhead and underground distribution lines on the east side of Terrace Street in Muskegon, Michigan.

The following identifies the terms of this Letter of Intent:

1. Timing: Relocation of lines by October 31, 2002.
2. Easements/Requirements: Easements as necessary to be given by Terrace Development, L.L.C. and the City of Muskegon to Consumers Energy at no cost to Consumers Energy.

Areas where underground cable is installed must be at +/- 4" final grade.

3. Payments: A payment in the amount of \$98,000.00 or actual costs incurred to be made to Consumers Energy for the costs of the construction by Consumers Energy from the first draw against the owner's financing for the overall construction project. Costs do not include charges for supplying service to the proposed National City Bank Building.

Additional cost of approximately \$17,500 if temporary poles are required to expedite the removal of the current distribution and transmission lines/poles.

Terrace Development, L.L.C.

Mr. John P. Brack

April 16, 2002

Page 2 of 3

Potential additional cost may be required for charges in any way related to potential contamination that may be present at locations where Consumers' Energy facilities will be installed.

4. Consumers Energy Work:

- a. Relocation of the overhead primary distribution line that is currently built underneath the 46kV transmission line. The new route will start at a mid span pole located near the intersection of Western Avenue and Pine Street and follow the proposed 46kV transmission line along Western Avenue, then west on Terrace Street to a riser pole, which feeds the underground primary distribution line.
- b. Relocation of the underground primary distribution line that currently follows the property line along Terrace Avenue. The new line would follow the contour of the new property line between the new riser pole and the train track.

If the above proposal is acceptable to you, please sign where indicated below and return one executed copy to the undersigned.

Please feel free to contact Mr. Greg Brendel if you have any questions concerning this proposal.

Sincerely,

TERRACE DEVELOPMENT, L.L.C.



Michael J. Bowen, Managing Member,
The Westwood Group, L.L.C., as
Manager of Terrace Development, L.L.C.

cc: General Counsel
Mr. Greg Brendel, Westwood Construction Co.

Terrace Development, L.L.C.

Mr. John P. Brack

April 16, 2002

Page 3 of 3

APPROVED AND ACCEPTED:

The undersigned has received this proposal and agrees to proceed. Enclosed is our financial statement for your consideration.

CONSUMERS ENERGY

By: _____

Its: _____

Dated: _____

Consumers Energy

COPY

A CMS Energy Company

Muskegon Service Center
2021 Hoyt Street
Muskegon Heights, MI 49444Tel: 231 722 9546
Fax: 231 726 2950Emergencies & Billing Questions:
1 800 477 5050

January 22, 2002

Greg E. Brendel
Westwood Construction Company
900 Third Street
Suite 204
Muskegon, MI 49440

Dear Mr. Brendel

As requested from our meeting on January 10, 2002, the cost estimate to relocate the primary overhead and underground distribution lines is \$98,000. These costs are for the relocation of the primary overhead distribution lines that are currently underbuilt on the 46 kV transmission line poles and the primary underground distribution cables that run along the east side of Terrace Avenue towards the railroad tracks.

This estimate is strictly conceptual in nature and is our best guess estimate based on a conceptual design. The actual final cost is dependent on several parameters, including final route, labor bids, materials, etc. The actual amount billed will be based on a more accurate work order estimate (prepared after the design is complete).

These costs are based on the following conditions:

1. The relocation of the overhead primary distribution line that is currently built underneath the 46 kV transmission line. The new route will start at a mid span pole located near the intersection of Western Ave and Pine Street and follow the proposed 46 kV transmission line along Western Avenue, then west on Terrace Street to a riser pole, which feeds the underground primary distribution line.
2. The relocation of the underground primary distribution line that currently follows the property line along Terrace Avenue. The new line would follow the contour of the new property line between the new riser pole and the train track.
3. The estimate does not include any associated charges for supplying service to the proposed building. Please contact Henry Murphy 727-6515 for pricing.
4. Easements will be given to Consumers Energy at no cost.
5. The City of Muskegon will have the eastern side of Terrace Street closed west of Morris Avenue to allow for the relocation of the underground primary distribution line.

The logo for Consumers Energy, featuring the company name in a bold, sans-serif font, with a stylized swoosh or arc above the text.

A CMS Energy Company

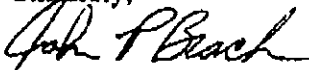
Muskegon Service Center
2021 Hoyt Street
Muskegon Heights, MI 49444

Tel: 231 722 9546
Fax: 231 726 2950

Emergencies & Billing Questions:
1 800 477 5050

6. If temporary poles are required to expedite the removal of the current distribution and transmission lines/poles, an additional non-refundable \$17,500 will be required.
7. The areas that will have underground cable installed must be at +/- 4" final grade.
8. Hazardous waste contamination that may be present at locations where Consumers Energy's facilities would be installed will probably require additional charges depending on the exact nature of the contamination.
9. Consumers Energy receives a \$25,000 down payment from Westwood Construction Company by February 6, 2002 with the balance due prior to the construction date and based on a finalized work order. Include on the check the following Request # 02017418.

Sincerely,

A handwritten signature in cursive script, appearing to read "John P. Brack".

John P. Brack
Circuit Engineer

2003-42e)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Community Relations Committee
RE: Recommendations to the Public Relations Committee

SUMMARY OF REQUEST: Concur with the Community Relations Committee to approve the following:

1. Resignation of Dan Narowitz from the Zoning Board of Appeals
2. Resignation of Jill Montgomery from the District Library Board
3. Removal of Stanley Hussey from the Housing Commission Board with concurrence of the City Manager.
4. Appoint Jill Montgomery and Pat Strum to the Public Relations Board

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Natural Gas to Lakefront Development

2003-42 B)

SUMMARY OF REQUEST:

Authorize staff to sign the enclosed agreement with DTE Energy/MichCon to provide and install the necessary lines carrying natural gas for the entire development. The agreement would be signed, if authorized, with option 2 for a total cost not to exceed \$162,903.

FINANCIAL IMPACT:

The cost to construct the necessary lines within the development is estimated at \$162,903.

BUDGET ACTION REQUIRED:

None at this time. The cost will be borne by the CMI grant to the extent available/approved and overage via special assessment to the development as per property transfer agreement.

STAFF RECOMMENDATION:

Authorize staff to sign the enclosed agreement and issue a notice to proceed to Michcon to perform the necessary work.

COMMITTEE RECOMMENDATION:



Michigan Consolidated Gas Company
P.O. Box 420, Grand Rapids, Michigan 49501-0420

Friday, April 25, 2003

Mr. Mohammed Al-Shatel
Muskegon City Hall
933 Terrace Street
Muskegon, MI 49443

Dear Mr. Al-Shatel:

Re.: *Edison Landings*

Thank you for choosing DTE Energy/MichCon to provide natural gas facilities to Edison Landings, Parcels "A" thru "P" via easements provided in the 66 foot Right of Way of Edison Landing (Smart Zone Park), in City of Muskegon.

The Edison Landings property is identified as a hazardous waste contamination site. As required, to install facilities in and around Edison Landings, precautions have been recommended for not disturbing the soil condition. DTE Energy/MichCon will be following all the required procedures to meet this requirement. In order to install gas facilities in and around Edison Landings subdivision, DTE Energy/MichCon will have to install 5,210 feet of natural gas main, and provide individual gas service line(s) to each building/structure as and when they are built. The applicant for the service line will be assessed a \$200.00 connection fee for each individual service line and a single meter. The connection fee for multiple meters installed at a single location from a single service line is \$100 dollars per meter.

DTE Energy/MichCon can construct natural gas facilities under one of the three options offered below:

Option 1. Install 5,210 feet of required natural gas mains in the easements/right of way provided, with the provision that each parcel will make application for natural gas service as and when they are constructed. Under this option, MichCon will charge the City of Muskegon, for only the gas mains, with no credits, against construction cost. Each service line facility constructed in this option, would be charged to the appropriate applicant. Total Cost: \$268,938.00.

Option 2. Install 5,210 feet of required natural gas mains in the easements/right of way provided, and provide service facilities to the parcels that have been sold, and the parcels are identified below. A revenue credit will be applied against the cost of the facilities. Total Cost: \$162,903.00 (*This includes service lines to parcel "A", "B", "C", "H", "J", & "K", "L" & "M"*)



Michigan Consolidated Gas Company
P.O. Box 420, Grand Rapids, Michigan 49501-0420

Option 3. Install only 2,380 feet of required natural gas main of the total required natural gas /mains just to serve parcel "C" and provide a gas service line to the facility under construction on parcel "C".

Total Cost: \$102,060.00

Please note that if the project is executed in phases, DTE Energy/MichCon will have to mobilise a special crew to install gas mains. There is a " Mobilization Fee" of \$3,000.00 for each instance. MichCon would be required to revisit and install a piece of main in the proposed contaminated site to serve the proposed parcels.

In our opinion Option 2 would be most appropriate, as this would enable DTE Energy/MichCon to install gas mains as a one time process and provide service to the proposed buildings as and when they are built. This will enable the City of Muskegon to take advantage of the proposed loads that would be attaching to these proposed gas mains.

We are looking forward to working with you on this project and would be happy to evaluate additional options that you might have in mind.

If this is acceptable, then please attach a check totaling to \$162,903.00 payable to DTE Energy/MichCon along with a signed copy of this letter. Allow a minimum of 54 business days for MichCon to install the facilities after the payment is received.

Please note the project name on the check for identification and processing. Mail your check to:

DTE Energy/MichCon
Attn.: Suresh C Bhargava
P.O.Box: 420
Grand Rapids MI 49501-0420

Should you have questions, my phone number is 616-776-2821. Thanks again for choosing DTE Energy/MichCon.

Sincerely,


Suresh Bhargava
Lead Marketing Representative


Mohammed Al-Shatel.

Please note this offer is valid for next 30 days from the date of this letter

2003-42-g)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Easement to Consumer Energy

SUMMARY OF REQUEST:

Consumer Energy is requesting an easement across lots 1, 2 & 3 of Block 557 to relocate their high voltage lines to accommodate the construction of Shoreline Dr. This high voltage line has a pole that is setting in the middle of the proposed intersection of Shoreline Dr. & Terrace St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Grant easement with the condition that it will be vacated when the lines are no longer present within.

COMMITTEE RECOMMENDATION:

Resolution # 2003-42 (g)

MUSKEGON CITY COMMISSION

Upon motion made by Commissioner Larson, seconded by Vice Mayor Buie, the following Resolution was adopted:

RESOLVED, that the City of Muskegon, Muskegon County, Michigan does hereby grant an easement to Consumer Energy to relocate their high-voltage lines to accommodate the construction of Shoreline Drive.

WHEREAS, the land is in the City of Muskegon, and described as:

The North ½ of Lots, 1, 2, & 3 of Block 557 of the Revised Plat of 1903 of the City of Muskegon, being a subdivision of a part of the Southeast ¼ of Section 19, Township 10 North, Range 16 West.

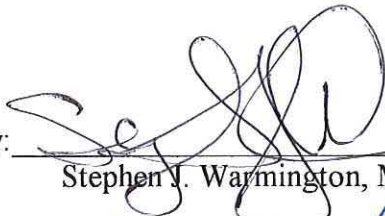
NOW, THEREFORE, BE IT RESOLVED that the request for an easement is approved with the condition that it will be vacated when the lines are no longer present within.

Adopted this 13th day of May 2003.

Ayes: 7

Nays: 0

Absent: 0

By: 
Stephen J. Warmington, Mayor

Attest: 
Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on May 13, 2003. 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.

By: 
Gail A. Kunderger, City Clerk

D=S50°56'50"E 33.03'
M=S49°25'50"E 33.03'

BENCH MARK

12

#848

S85°42'43"E 446.07'

147.15'

MAX 60 V
MIN 40

MAX
10'

151.65'

#847

MAX 160
MIN 130

N04°17'13"E 117.71'

PROPOSED TERRACE STREET
CONNECTION

City of Muskegon
556-

BLOCK 557

NON-TANGENTIAL
CURVE

CURVE DATA
R=339.98'
L=324.83'
DELTA=54°44'32"
L.C.=312.61'
L.C.B.=N23°05'02"W

280.77'

D=N62°44'00"W 1248.69'
M=N61°13'00"W 1248.69'

TERRACE

(125' R/W)

STREET

UNDERGROUND

PROPOSED MORRIS AVENUE

RECEIVED
CITY OF MUSKEGON

APR 29 2003

ENGINEERING DEPT.

EASEMENT FOR ELECTRIC LINE

Form 314

61-24-205-556-0001-00

2003-42 (q)

File # 4460

Grantor, for good and valuable consideration to him paid by CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan, Grantee, receipt of which is hereby acknowledged, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to enter upon the land hereinafter described and to construct, operate, maintain, repair, inspect, replace, improve, enlarge and remove electric transmission and distribution facilities consisting of one line of towers, pole structures, poles, or any combination of same, with wires, cables, conduits, crossarms, braces, guys, anchors and transformers and other fixtures and appurtenances and electric control circuits and devices in, over and across said land, including all public highways upon or adjacent to said land, which land is in the City of Muskegon, County of Muskegon and State of Michigan, and described as:

The North 1/2 of Lots 1,2, & 3 of Block 557 of the Revised Plat of 1903 of the City of Muskegon, being a subdivision of a part of the Southeast 1/4 of Section 19, Township 10 North, Range 16 West.

Said line of towers, pole structures or poles is to be located in, over and across said land on a center line described as:

Business Services - Real Estate
Attn: NPFisher, EP7-439
One Energy Plaza
Jackson, MI 49201

D=S50°56'50"E 33.03'
M=S49°25'50"E 33.03'

BENCH MARK #2

#848

S85°42'43"E 446.07'

147.15'

168.62'

151.65'

#847

MAX 60 V
MIN 40

MAX 10'

MAX 160
MIN 130

N04°17'13"E 117.71'

PROPOSED TERRACE STREET
CONNECTION

City of Muskegon
556-

BLOCK 557

NON-TANGENTIAL
CURVE

CURVE DATA
R=339.98'
L=324.83'
DELTA=54°44'32"
L.C.=312.61'
L.C.B.=N23°05'02"W

280.77'

D=N62°44'00"W 1248.69'
M=N61°13'00"W 1248.69'

(125' R/W)

STREET

UNDERGROUND
PROPOSED MORRIS AVENUE

2003-42 h)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Change Order to Washington, Franklin to Lakeshore Dr. Project

SUMMARY OF REQUEST:

It is respectfully requested that if the special assessment district is established for Franklin, Washington to Michigan, the items of work to reconstruct Franklin be added onto the contract with Prince Bridge & Marine for the Washington St., Franklin to Lakeshore Dr. Project.

The estimated value of this proposed change is \$75,487.50. which when compared with the other contractors who bid on the Washington St. project was found to be the lowest.

FINANCIAL IMPACT:

The construction cost of \$75,487.50 plus associated engineering cost.

BUDGET ACTION REQUIRED:

This project if approved will be added to the list of projects in the next quarterly update.

STAFF RECOMMENDATION:

Approve the change order

COMMITTEE RECOMMENDATION:

STREET & SEWER IMPROVEMENTS

[illegible]

Date: May 13, 2003

2003-42 i)

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Air-conditioner units in the P.D. @ City Hall

SUMMARY OF REQUEST:

Authorization to enter into a \$31,949.45 contract with Bowen Refrigeration & Heating, out of Muskegon (1152 Getty St.), to install five (5) air-conditioning units. Four of those units will be installed in the P.D @ City Hall and one will be installed at McGraft Park.

The City Hall units are needed to supplement the inadequate air from the P.D. air handler.

FINANCIAL IMPACT:

The cost of \$31,949.45 which includes purchasing and installing the units.

BUDGET ACTION REQUIRED:

None at this time. The cost of the P.D units was anticipated and budgeted for. The cost of the McGraft park unit (\$2,730.00) will be out of the McGraft Park fund.

STAFF RECOMMENDATION:

Authorize staff to enter into a contract with Bowen for the purchase & installation of all five units.

COMMITTEE RECOMMENDATION:

Air-conditioner bids for PD and McGraft Park

Husrst Mechanical Inc.

Chiefs & Old Narc's Office-----	\$ 9,510.00
Detectives-----	\$11,370.00
Community Cops-----	\$ 5,895.00
McGraft Park-----	\$ <u>6,015.00</u>
TOTAL-----	\$ 32,790.00

Bowen Refrigeration, Heating and Cooling

Chiefs and Old Narc's office-----	\$ 9,553.00
Detectives-----	\$ 12,339.55
Community Cops-----	\$ 7,326.90
McGraft Park-----	\$ <u>2,730.00</u>
TOTAL-----	\$ 31,949.45

Bowen sent a recommendation to tie this into a windows based DDC for \$2,831.00

I recommend we use Bowen Refrig. For this project.

CITY OF MUSKEGON

AGREEMENT FOR SERVICES OR CONSTRUCTION

Small and Limited Projects

THIS IS AN AGREEMENT between the CITY OF MUSKEGON ("City"), 933 Terrace Street, Muskegon, Michigan, and Bowen Refrigeration, Heating and Cooling ("Contractor"), of Muskegon, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before June 30, 2003.

Price

Contractor will perform as set forth above for the complete contract price of \$ 31,949.45.

Conditions and Covenants

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

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

Termination and Cancellation

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

\$ N/A per day of nonperformance.

Nondiscrimination Compliance

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

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

The parties agree to performance of this contract by signing below. The effective date of this agreement is May 14, 2003.

Witnesses:

Kathleen J. Larsen

Susan K. Wigen

Contractor:

By Donald P. Bowen

CITY OF MUSKEGON

By J. R. H. 5-27-03

and Muhammad Usman 5/27/03
Commission Action Data 5-13-03

CITY OF MUSKEGON

Contract Between
City of Muskegon
and

STATEMENT OF WORK

See attached scope of services.

Initials:

Contractor: DRB

City: J. R. H.
(staff member)

CITY OF MUSKEGON

REQUEST FOR BIDS

The City of Muskegon plans to add additional air-conditioning to supplement the existing air-conditioning in four offices of the Police Dept., also the Community Bldg. at McGraft Park.

The City is requesting qualifications and bids from Air-conditioning Contractors, who possess the necessary qualifications and experience and who are interested in providing services for this project.

QUALIFICATIONS

For the qualifications portion of your submittal, the following information must be submitted.

1. A brief history of your firm.
2. Key personnel to be assigned to the project.
3. The firms Affirmative Action plan and current employee profile.
4. Identify any subcontractors and their qualifications.

SCOPE OF SERVICES

To install supplemental air to four offices in the Police Dept.

The four offices below are listed with the minimum requirements.

1. Chief of Police-----18,000 BTU's, high wall evaporator coil.
2. Old Narcotics office---18,000 BTU's, high wall evaporator coil.
3. Detectives office---- 2-30,000 BTU split duct system units.
4. Community Police office----36,000 BTU's, split duct system.

The Chiefs office and the Narcotics office will have 1- 36,000 BTU dual circuited condenser.

One of the three options below will be used for control.

Sensors with remote 7 day programmable thermostats.

Attached to Johnson Metasys Companion, DDC

Or DDC through PC, windows based.

McGraft Park Community Bldg.—1- 36,000 BTU air-conditioner with a 36,000 BTU horizontal air handler. Use a 7 day programmable thermostat, (5 and 2 setting).

You will supply all materials, including the A/C units, labor, and equipment necessary to complete the installation. Acquire all permits associated with the project. Follow and abide by all codes that pertain to the job.

Must meet the attached Insurance/Bond Requirements.

There will be a pre bid meeting on 4-23-03 at 10:00 AM in the first floor conference room # 103 at City Hall, 933 Terrace St. Muskegon Mi.

Bids are due by 2:00 PM on 4-30-03 in the City Clerks office at City Hall. At that time all bids will be opened and read aloud. No bids will be excepted after the 2:00 PM deadline.

The completion date for this project is 5-30-03

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, _____

as Principal, and

as Surety, are held and firmly bound unto the City of Muskegon, its certain attorney, successors or assigns (hereinafter called the Oblige) , in the full and just sum of _____ dollars (\$ _____) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, said Principal has entered into a certain contract with Oblige,

dated _____, 20____, (hereinafter called the Contract)
for: _____

and the specifications for said work shall be deemed a part hereof as fully as if set out herein:

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

- (a) If the Principal shall faithfully perform the Contract on his/her part, as of the time and in the manner therein provided; shall satisfy all claims and demands incurred in or for the same, or growing out of the same, or for injury or damages to persons or property in the performance thereof; shall fully indemnify and save harmless said Oblige from any and all cost and damage which the Oblige may suffer by reason of the Principal's failure to do so; and shall fully reimburse and pay the Oblige any and all outlay and expense which it may occur by reason of such default; and
- (b) If, after completion and acceptance of the work by the Oblige, the Principal shall promptly remedy any defects in the work due to faulty materials or workmanship which shall appear within the period of one year from the date of completion and final acceptance of the work, and pay for any damage to said Oblige, to the State of Michigan, or to any municipal subdivision or local authority thereof to which the rights and privileges of said Oblige have passed or been assigned, then this obligation shall be null and void; otherwise it shall remain in full force and virtue.

The said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract to the work to be performed thereunder, or to the specifications accompanying the same, shall in any wise affect its obligations on this Bond; and it does thereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract, or to the work or specifications.

PERFORMANCE BOND

It is hereby further stipulated and agreed that, if the Principal is a non-Michigan Corporation, neither the Principal nor the Surety shall be discharged from liability on this Bond, nor the bond surrendered, until such Principal files with the Obligee a certificate from the Michigan Department of Revenue evidencing the payment in full of all taxes, penalties and/or interest, and a certificate from the Unemployment Compensation Commission evidencing the payment of all unemployment compensation contributions, penalties and/or interest, due the State of Michigan from said Principal, or any non-Michigan corporation, subcontractor thereunder, or for which liability has accrued but the time for payment has not arrived.

SIGNED, SEALED AND DELIVERED IN _____ ORIGINAL COUNTERPARTS

THIS _____ DAY OF _____, 20 _____.

Individual Principals Sign Here:

In the Presence of:

(SEAL)

(SEAL)

(SEAL)

Corporate Principals Sign Here:

Attest:

(Printed Name and Title)

Surety Sign Here:

Attest:

(Printed Name and Title)

The rate of premium charge is \$ _____ per thousand.

The total amount of premium charged is \$ _____
(to be filled in by the Corporate Surety).

19. SUBCONTRACTS

- a. The Contractor shall not execute an agreement with any Subcontractor or permit any subcontractor to perform any work included in this Contract until he/she has submitted a non-collusive affidavit from the subcontractor and received written approval of such subcontractor from the City of Muskegon.
- b. The Contractor shall be as fully responsible to the City of Muskegon for the acts and omissions of his/her Subcontractors, and of persons either directly or indirectly employed by them, as he/she is for the acts and omissions of persons directly employed by the Contractor.
- c. The Contractor shall cause appropriate provisions to be inserted in all Subcontracts relative to compliance by each Sub-contractor with the provisions of this Contract.
- d. No proposed Subcontractor shall be disapproved by the City of Muskegon except for cause. Nothing contained in this Contract shall create any contractual relation between any Subcontractor and the City of Muskegon.

20. INSURANCE AND INDEMNITY

- a. **Hold Harmless Agreements.** To the fullest extent permitted by law, Contractor and Subcontractors agree to defend, pay in behalf of, indemnify, and hold harmless the City of Muskegon, their elected and appointed officials, employees, volunteers, and others working on behalf of the CITY OF MUSKEGON against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY OF MUSKEGON and their elected and appointed officials, employees, volunteers, or others working on behalf of the CITY OF MUSKEGON by reason of personal injury, including bodily injury and death, property damage, including loss of use thereof, and/or the effects of or release of toxic and/or hazardous material which arises out of or is any way connected or associated with this contract. The obligation to defend and hold harmless extends to Contractor's employees, agents, subcontractors, assigns and successors.

21. INSURANCE AND INDEMNITY - continued

- b. **Contractor Insurance Requirement.** Contractor and Subcontractors shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to the CITY OF MUSKEGON.
- c. **Workers' Compensation Insurance.** The Contractor and Subcontractor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.
- d. **Commercial General Liability Insurance.** The Contractor shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$500,000 per occurrence and/or aggregate combined single limit. Personal Injury, Bodily Injury and Property Damage coverages shall be included. Coverage shall also include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form Liability Extensions or equivalent; (E) Deletion of all explosion, collapse and underground (SCU) exclusions, if applicable. The said insurance shall cover liability caused by the activities of any subcontractor.
- e. **Motor Vehicle Liability.** The Contractor shall procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability for third party claims of not less than \$500,000 per occurrence or combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. The said insurance shall cover liability caused by the activities of any subcontractor.
- f. **Additional Insured.** Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds" using the following language: "The CITY OF MUSKEGON and all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are hereby added as 'Additional Insureds'".
- g. **Cancellation Notice.** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON ENGINEERING DEPARTMENT".

21. INSURANCE AND INDEMNITY - continued

- h. Owner's and Contractor's Protective Liability. The Contractor shall procure and maintain during the life of this contract Owner's and Contractor's Protective Liability with limits of liability not less than \$500,000 per occurrence and/or aggregate, combined single limit. Personal injury, Bodily injury and Property Damage coverages shall be included. The CITY OF MUSKEGON shall be "Named Insured" on this coverage. Thirty (30) days notice of cancellation to the CITY OF MUSKEGON shall be required. Said insurance shall cover liability caused by the activities of any subcontractor(s) either by means of a rider attached to the Prime Contractor's Certificate of Insurance indicating this coverage for subcontractors; or the subcontractor(s) shall submit their own Certificate of Insurance.
- i. Proof of Insurance Coverage. The Contractor and Subcontractors shall provide the CITY OF MUSKEGON at the time the contracts are returned by him for execution, certificates and policies endorsing the City of Muskegon as additional insured as listed below:
- (1.) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - (2.) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - (3.) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - (4.) Original Policy, or original Binder pending issuance of policy, for Owner's and Contractor's Protective Liability Insurance;
 - (5.) If so requested, Certified Copies of all policies mentioned above will be furnished.
- j. If any of the above coverages expire during the term of this contract, the Contractor and Subcontractors shall deliver renewal certificates and/or policies to CITY OF MUSKEGON at least ten (10) days prior to the expiration date.

22. MATERIALS AND WORKMANSHIP

- a. Unless otherwise specifically provided for in the Technical or Special Specifications, all workmanship, equipment, materials and articles incorporated in the work shall be new and the best grade of the respective kinds for the purpose. Where equipment, materials, articles or workmanship are referred to as "equal to" any particular standard, the City of Muskegon will decide the question of equality.
- b. The City of Muskegon may require the Contractor to dismiss from this Project such employee(s) as the City of Muskegon may deem incompetent, careless, and/or insubordinate.

Date: May 13, 2003

2003-42j)

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Boiler Assembly @ City Hall

SUMMARY OF REQUEST:

Authorization to enter into a \$29,162 contract with Monarch Welding & Engineering, of Muskegon (519 W. Hackley), to purchase and install a 1,000,000 BTU on the high end and 280,000 BTU on the low end. This boiler will be used during Spring, Summer & Fall instead of the existing boilers which require more electricity and gas.

The installation of this type of boiler was part of the Energy Audit recommendation that was performed two years ago. The expected pay back was estimated @ 12-years.

FINANCIAL IMPACT:

The cost of \$29,162 which includes purchasing and installing the units.

BUDGET ACTION REQUIRED:

None at this time. The cost of was anticipated and budgeted for.

STAFF RECOMMENDATION:

Authorize staff to enter into a contract with Monarch Welding & Engineering for the purchase & installation of the boiler.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

AGREEMENT FOR SERVICES OR CONSTRUCTION

Small and Limited Projects

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

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before June 30, 2003.

Price

Contractor will perform as set forth above for the complete contract price of \$ 29,162.00.

Conditions and Covenants

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

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

Termination and Cancellation

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

\$ N/A per day of nonperformance.

Nondiscrimination Compliance

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

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

The parties agree to performance of this contract by signing below. The effective date of this agreement is May 15, 2003.

Witnesses:

Wm Bishop

Contractor:

By Johann Bortels

CITY OF MUSKEGON

By Muhammed Alshel 5/30/03

and A. R. A 5-30-03

Comm. Act. Date 5/13/03

CITY OF MUSKEGON

Contract Between
City of Muskegon
and
Monarch Welding and Engineering, Inc.

STATEMENT OF WORK

To supply and install a Laars Hydronic Heating Boiler, (Model #PNCH1000NBCN1CXH).

Furnish all material, labor and permits to complete this project.

Initials:

Contractor: JB

City: J.R.
(staff member)

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Monarch Welding & Engineering, Inc.

as Principal, and

Ohio Farmers Insurance Company,
as Surety, are held and firmly bound unto the City of Muskegon, its certain attorney, successors or assigns (hereinafter called the Obligees), in the full and just sum of Twenty Nin Thousand One Hundred Sixty Two Dollars dollars (\$ 29,162.00) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, said Principal has entered into a certain contract with Obligees,

dated May 15, 2003, 20 03, (hereinafter called the Contract)
for: Supply and Install a Laars Hydronic Heating Boiler

and the specifications for said work shall be deemed a part hereof as fully as if set out herein:

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

- (a) If the Principal shall faithfully perform the Contract on his/her part, as of the time and in the manner therein provided; shall satisfy all claims and demands incurred in or for the same, or growing out of the same, or for injury or damages to persons or property in the performance thereof; shall fully indemnify and save harmless said Obligees from any and all cost and damage which the Obligees may suffer by reason of the Principal's failure to do so; and shall fully reimburse and pay the Obligees any and all outlay and expense which it may occur by reason of such default; and
- (b) If, after completion and acceptance of the work by the Obligees, the Principal shall promptly remedy any defects in the work due to faulty materials or workmanship which shall appear within the period of one year from the date of completion and final acceptance of the work, and pay for any damage to said Obligees, to the State of Michigan, or to any municipal subdivision or local authority thereof to which the rights and privileges of said Obligees have passed or been assigned, then this obligation shall be null and void; otherwise it shall remain in full force and virtue.

The said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract to the work to be performed thereunder, or to the specifications accompanying the same, shall in any wise affect its obligations on this Bond; and it does thereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract, or to the work or specifications.

PERFORMANCE BOND

It is hereby further stipulated and agreed that, if the Principal is a non-Michigan Corporation, neither the Principal nor the Surety shall be discharged from liability on this Bond, nor the bond surrendered, until such Principal files with the Obligea a certificate from the Michigan Department of Revenue evidencing the payment in full of all taxes, penalties and/or interest, and a certificate from the Unemployment Compensation Commission evidencing the payment of all unemployment compensation contributions, penalties and/or interest, due the State of Michigan from said Principal, or any non-Michigan corporation, subcontractor thereunder, or for which liability has accrued but the time for payment has not arrived.

SIGNED, SEALED AND DELIVERED IN _____ ORIGINAL COUNTERPARTS

THIS 23rd DAY OF May, 2003.

Individual Principals Sign Here:

In the Presence of:

(SEAL)

(SEAL)

(SEAL)

Corporate Principals Sign Here:

Attest:

Johann Bertels

Wm. Bishop

(Printed Name and Title)

Surety Sign Here:

Attest:

Ohio Farmers Insurance Co.

Charlotte Kleinjeller

By Sharon E. Black
(Printed Name and Title)

Sharon E. Black, Power of Attorney

The rate of premium charge is \$ 4.50 per thousand.

The total amount of premium charged is \$ 131.00
(to be filled in by the Corporate Surety).

19. SUBCONTRACTS

- a. The Contractor shall not execute an agreement with any Subcontractor or permit any subcontractor to perform any work included in this Contract until he/she has submitted a non-collusive affidavit from the subcontractor and received written approval of such subcontractor from the City of Muskegon.
- b. The Contractor shall be as fully responsible to the City of Muskegon for the acts and omissions of his/her Subcontractors, and of persons either directly or indirectly employed by them, as he/she is for the acts and omissions of persons directly employed by the Contractor.
- c. The Contractor shall cause appropriate provisions to be inserted in all Subcontracts relative to compliance by each Sub-contractor with the provisions of this Contract.
- d. No proposed Subcontractor shall be disapproved by the City of Muskegon except for cause. Nothing contained in this Contract shall create any contractual relation between any Subcontractor and the City of Muskegon.

20. INSURANCE AND INDEMNITY

- a. **Hold Harmless Agreements.** To the fullest extent permitted by law, Contractor and Subcontractors agree to defend, pay in behalf of, indemnify, and hold harmless the City of Muskegon, their elected and appointed officials, employees, volunteers, and others working on behalf of the CITY OF MUSKEGON against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY OF MUSKEGON and their elected and appointed officials, employees, volunteers, or others working on behalf of the CITY OF MUSKEGON by reason of personal injury, including bodily injury and death, property damage, including loss of use thereof, and/or the effects of or release of toxic and/or hazardous material which arises out of or is any way connected or associated with this contract. The obligation to defend and hold harmless extends to Contractor's employees, agents, subcontractors, assigns and successors.

21. **INSURANCE AND INDEMNITY - continued**

- b. **Contractor Insurance Requirement.** Contractor and Subcontractors shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to the CITY OF MUSKEGON.
- c. **Workers' Compensation Insurance.** The Contractor and Subcontractor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.
- d. **Commercial General Liability Insurance.** The Contractor shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$500,000 per occurrence and/or aggregate combined single limit. Personal Injury, Bodily Injury and Property Damage coverages shall be included. Coverage shall also include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form Liability Extensions or equivalent; (E) Deletion of all explosion, collapse and underground (SCU) exclusions, if applicable. The said insurance shall cover liability caused by the activities of any subcontractor.
- e. **Motor Vehicle Liability.** The Contractor shall procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability for third party claims of not less than \$500,000 per occurrence or combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. The said insurance shall cover liability caused by the activities of any subcontractor.
- f. **Additional Insured.** Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds" using the following language: "The CITY OF MUSKEGON and all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are hereby added as 'Additional Insureds'".
- g. **Cancellation Notice.** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON ENGINEERING DEPARTMENT".

21. INSURANCE AND INDEMNITY - continued

- h. Owner's and Contractor's Protective Liability. The Contractor shall procure and maintain during the life of this contract Owner's and Contractor's Protective Liability with limits of liability not less than \$500,000 per occurrence and/or aggregate, combined single limit. Personal injury, Bodily injury and Property Damage coverages shall be included. The CITY OF MUSKEGON shall be "Named Insured" on this coverage. Thirty (30) days notice of cancellation to the CITY OF MUSKEGON shall be required. Said insurance shall cover liability caused by the activities of any subcontractor(s) either by means of a rider attached to the Prime Contractor's Certificate of Insurance indicating this coverage for subcontractors; or the subcontractor(s) shall submit their own Certificate of Insurance.
- i. Proof of Insurance Coverage. The Contractor and Subcontractors shall provide the CITY OF MUSKEGON at the time the contracts are returned by him for execution, certificates and policies endorsing the City of Muskegon as additional insured as listed below:
- (1.) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - (2.) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - (3.) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - (4.) Original Policy, or original Binder pending issuance of policy, for Owner's and Contractor's Protective Liability Insurance;
 - (5.) If so requested, Certified Copies of all policies mentioned above will be furnished.
- j. If any of the above coverages expire during the term of this contract, the Contractor and Subcontractors shall deliver renewal certificates and/or policies to CITY OF MUSKEGON at least ten (10) days prior to the expiration date.

22. MATERIALS AND WORKMANSHIP

- a. Unless otherwise specifically provided for in the Technical or Special Specifications, all workmanship, equipment, materials and articles incorporated in the work shall be new and the best grade of the respective kinds for the purpose. Where equipment, materials, articles or workmanship are referred to as "equal to" any particular standard, the City of Muskegon will decide the question of equality.
- b. The City of Muskegon may require the Contractor to dismiss from this Project such employee(s) as the City of Muskegon may deem incompetent, careless, and/or insubordinate.

HOWLEY AGENCY SALES, CO.

EASTERN OFFICE: 13261 NORTHEND, OAK PARK, MI. 48237 PH.(248) 398-2400 FX (248) 547-4905
WESTERN OFFICE: 931 WEST RIVER CENTER DR., COMSTOCK PARK, MI. 49321 PH.(616) 785-9000 FX(616) 785-7347
BRANCH OFFICE: 188 FLORAL DR., BATTLE CREEK, MI. 49015 PH.(269) 964-2776 FX(269) 964-3049

QUOTATION

JOB NAME: City of Muskegan, City Hall	DUE DATE: ASAP
LOCATION: Muskegan, MI.	QUOTE DATE: 4/28/03
ARCHITECT:	QUOTE NUMBER: 3043
TO: Scott Brink @ Monarch Welding	REFERENCE: LAARS

PER YOUR REQUEST
LAARS HYDRONIC HEATING BOILER

PENNANT FAN-ASSISTED BOILER

- 1- LAARS MODEL #PNCH1000NBCN1CXH "PENNANT"
FAN-ASSISTED SEALED COMBUSTION, NATURAL GAS FIRED
COPPER FIN TUBE, COMMERCIAL BOILER, PUMP
MOUNTED, FLOW SWITCH, 160# ASME W.P., AGA GAS TRAIN,
5 YEAR WARRANTY, 85% EFFICIENCY, 30# T&P RELIEF
VALVE. THREE STAGE FIRING.
Input 999,000 BTU's, Output 839,000 BTU's
Low Fire Approximately 280,000 BTU's Output

YOUR PACKAGE COST= \$6,587.00

FOB FACTORY
NET 30 DAYS (with account status)
PRICE PROTECTION THRU 7/28/03
PRICE DOES NOT INCLUDE TAX

DAVID GRIFFIN

APRIL 28, 2003

ACORD CERTIFICATE OF LIABILITY INSURANCE					OPID BK MONAR-3	DATE (mm/dd/yy) 03/29/03
PRODUCER Brown & Brown of Indiana, Inc. 3077 East 98th Street # 150 Indianapolis IN 46280 Phone: 317-374-5000			THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.			
INSURED Monarch Welding & Engineering, Inc. Attn: Brian Winnick 23538 Pinewood Ave. Warren MI 48091			INSURERS AFFORDING COVERAGE INSURER A: <u>Lexington Insurance Company</u> INSURER B: <u>Westfield Insurance Company</u> INSURER C: <u>Employers Insurance of Wausau</u> INSURER D: _____ INSURER E: _____			
COVERAGES THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
LINE	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (mm/dd/yy)	POLICY EXPIRATION DATE (mm/dd/yy)	LIMITS	
A	GENERAL LIABILITY	2916403	12/31/02	01/01/04	CASH OCCURRENCE	\$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 50,000
	☐ CLAIM MADE ☒ OCCUR				MED LIT (Any one person)	\$ excluded
	☒ \$25,000 Ded.				PERSONAL & AUTOMOBILE	\$ 100,000
					CUMULATIVE AGGREGATE	\$ 200,000
	☐ IN ADDITIONAL STATES (PR)				PRODUCTS COMPLETION	\$ 200,000
	☐ UTILITY ☒ PEST ☐ LOG					
B	AUTOMOBILE LIABILITY	CWP2420011	12/31/02	01/01/04	COMBINED SINGLE LIMIT (Per accident)	\$ 1,000,000
	☒ ANY AUTO				BODILY INJURY (Per person)	\$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	☒ HIRED AUTOS					
	☒ NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY (All accidents)	\$
	☐ ANY AUTO				OTHER THAN AUTO ONLY	\$
						\$
A	ENGINEER LIABILITY	2954301	12/31/02	01/01/04	LIABILITY LIMIT (Per accident)	\$ 500,000
	☒ OCCUR ☐ CLAIMS MADE				AGGREGATE	\$ 500,000
	☐ DEDUCTIBLE					\$
	☒ RETENTION \$ 10,000					\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WCJZ91425075013	01/01/03	01/01/04	☒ TWO STATUTORY LIMITS ☐ OTHER LIMIT	\$ 500,000
					☐ TALENT SEARCH	\$ 500,000
					☐ LEASED - EMPLOYER	\$ 500,000
					☐ EL DRUG/ALC. POLICY (LMI)	\$ 500,000
B	Leased/Rented Equipment	CWP2420011	12/31/02	01/01/04	\$600,000 Limit	\$5,000 Deductible
DESCRIPTION OF OPERATION, LOCATION, WORKS, POLICY EXCLUSIONS ADDED BY ENDORSEMENTS (SPECIAL PROVISIONS) Certificate Holder shall be named as an additional insured with respects to general liability.						
CERTIFICATE HOLDER ☒ ADDITIONAL INSURED ☐ ENDORSE LETTER _____						
CITY/TOWN City of Muskegon 833 Terrace Street Muskegon MI			CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED OR ONE THE EXPIRATION DATE THEREOF, THE ISSUING AGENT WILL SEND A 30 DAY WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE ISSUER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Bruce Siegmann			

IMPORTANT

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

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

DISCLAIMER

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

HOWLEY AGENCY SALES, CO.

EASTERN OFFICE: 13261 NORTHEND, OAK PARK, MI. 48237 PH.(248) 398-2400 FX (248) 547-4905
WESTERN OFFICE: 931 WEST RIVER CENTER DR., COMSTOCK PARK, MI. 49321 PH.(616) 785-9000 FX(616) 785-7347
BRANCH OFFICE: 188 FLORAL DR., BATTLE CREEK, MI. 49015 PH(269) 964-2776 FX(269) 964-3049

QUOTATION

JOB NAME: City of Muskegan, City Hall

DUE DATE: ASAP

LOCATION: Muskegan, MI.

QUOTE DATE: 4/28/03

ARCHITECT:

QUOTE NUMBER: 3043

TO: Scott Brink @ Monarch Welding

REFERENCE: LAARS

PER YOUR REQUEST

*****LAARS HYDRONIC HEATING BOILER*****

PENNANT FAN-ASSISTED BOILER

- 1- LAARS MODEL #PNCH1000NBCN1CXH "PENNANT"
FAN-ASSISTED SEALED COMBUSTION, NATURAL GAS FIRED
COPPER FIN TUBE, COMMERCIAL BOILER, PUMP
MOUNTED, FLOW SWITCH, 160# ASME W.P., AGA GAS TRAIN,
5 YEAR WARRANTY, 85% EFFICIENCY, 30# T&P RELIEF
VALVE. THREE STAGE FIRING.
Input 999,000 BTU's, Output 839,000 BTU's
Low Fire Approximately 280,000 BTU's Output

YOUR PACKAGE COST= \$ 6,587.00

FOB FACTORY

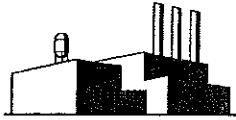
NET 30 DAYS (with account status)

PRICE PROTECTION THRU 7/28/03

PRICE DOES NOT INCLUDE TAX

DAVID GRIFFIN

APRIL 28, 2003



Monarch Welding & Engineering, Inc.

Boiler Repair • ASME Shop Fabrication • Structural Erection • Mechanical Installation

April 1, 2003

Mr. J.R. Gann
Building Maintenance Supervisor
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49443

**Boiler Assembly
Inquiry # M03-042**

Dear Mr. Gann:

We thank you for your inquiry and are pleased to submit our quotation for your consideration. We purpose to furnish the necessary labor, tools, equipment, supervision and certain material to assemble and install a used 15hp Weil McLain boiler in the boiler room at City Hall.

TOTAL LUMP SUM.....\$ 22,575.00

Bid Qualifications:

- Following scope of services provided.

Total =

We trust you will find our price agreeable and hope to further. If you have any questions, please contact me at (231)-733-7222 to discuss further details.

Sincerely,

MONARCH WELDING & ENGINEERING, INC.

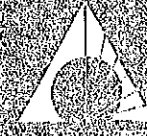
Scott Brink
Pipefitter Superintendent

Equal Opportunity Employer

1566 Tech Park Drive
Bay City, MI 48706
888.684.3400 • Fax: 888.684.0344

519 W. Hackley Ave
Muskegon, MI 49444
231.733.7222 • Fax: 231.733.7111

23538 Pinewood
Warren, MI 48091
586.751.1100 • Fax: 586.751.0000



TOWER PINKSTER TITUS ASSOCIATES, INC.

TOWER PINKSTER TITUS ASSOCIATES, INC.

616.456.9944 TW
616.456.5936 FX
www.tpta.com

6781 HUNT AVE NW SUITE 255
GRAND RAPIDS, MICHIGAN
49504-5320

May 7, 2003

Mr. JR Gann
City Of Muskegon
933 Terrace
Muskegon, MI 49443

Re: Muskegon City Hall
Boiler Selection
Architect Project No.: 01-867

Dear JR:

It was good to hear from you and we are encouraged to learn that City of Muskegon is proceeding with more of the recommendations defined in our TEA report. We have reviewed the information which you faxed to us defining the several boiler options which have been proposed by your contractor. Based on our recent experience, we have found several acceptable products among the non-condensing boilers of the low-mass configuration. The type with fan assisted combustion and straight-through heat exchanger design provides the best value for retrofit heating applications. On that basis, the PENNANT Series by Laars (we use Lochinvar as our basis of design) would be our first choice if Tower Pinkster Titus were to be the designer of record.

We recognize that there are two different sizes of the PENNANT model in the information which you faxed to us. Selecting between these two is a design element of which we currently have no knowledge. We recommend that services of a qualified design professional be secured relative to this part of the project. At the very least, the City of Muskegon would benefit from involvement of such an entity in such matters of design document and shop drawing submittal review. Tower Pinkster Titus would be pleased to develop a proposal for such a work scope at your direction.

Sincerely,

TOWER PINKSTER TITUS ASSOCIATES, INC.


James R. Speyer, P.E.
Project Manager

JRS/rjs

cc: TPTA File 01-867

Post-It® Fax Note		7671	Date	5/7/03	# of pages	1
To	JR GANN	From	J. SPEYER			
Co./Dept.		Co.	TPTA			
Phone #		Phone #	616 456 9944			
Fax #	(231) 724 6028	Fax #	616 456 5936			

Date: May 13, 2003 2003-42K)
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Removal of Underground Storage Tank, Shoreline Dr. East

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement with Young's Environmental Cleanup, Inc. (recommendation from Fleis & VandenBrink Engineering, Inc.) to remove the unexpected UST found during the pavement removal for the Shoreline Dr. project in the area between Eastern, Clay, Cedar & Western. The agreement would be signed, if authorized, for a total estimated cost of \$10,053.65 unless additional tanks and or other unexpected discoveries.

FINANCIAL IMPACT:

The estimated cost of 10,053.65.

BUDGET ACTION REQUIRED:

None at this time. The cost is expected to be an eligible expenditure borne by the MDOT grant to the extent available and approved.

STAFF RECOMMENDATION:

Authorize staff to enter into an agreement with Young's Environmental Cleanup, Inc. to perform the necessary work.

COMMITTEE RECOMMENDATION:



FLEIS & VANDENBRINK ENGINEERING, INC.

Offices in Grand Rapids, Traverse City, and Muskegon

316 Morris Ave., Suite 230, Muskegon, MI 49440 • Office: (231) 726-1000 • Fax: (231) 726-2200 • www.fveng.com

May 9, 2003

Mr. Mohammed Al-Shatel
City Engineer
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49440

**RE: Shoreline Drive Underground Storage Tank Removal
Muskegon, Michigan**

Dear Mohammed;

Attached is the revised bid tabulation, and the original proposals, for the above referenced project. As shown on the attached table, the volume of liquid has been revised to more accurately depict actual volumes. The change in volumes changed estimated fees significantly and Young's Environmental Cleanup, Inc. is now the low bidder, with a base bid of \$10,053.65.

We recommend that the contract for the Parcel 7S underground storage tank (UST) removal project be awarded to the low bidder, Young's Environmental Cleanup, Inc. Northern A-1 has already been informed of the change.

Upon council approval, please execute an agreement with Young's. If using their standard conditions, it is our recommendation that you have the bracketed section under item 3 changed to read that they shall perform in conformance with all current State and local regulations, including, but not limited to OSHA, MODT, and MDEQ. In the meantime, we will be finalizing paperwork with the State of Michigan. If you have any questions, please feel free to call.

Sincerely,

FLEIS & VANDENBRINK ENGINEERING, INC.

Carrie L. Rivette, P.E.
Project Engineer

Enclosures

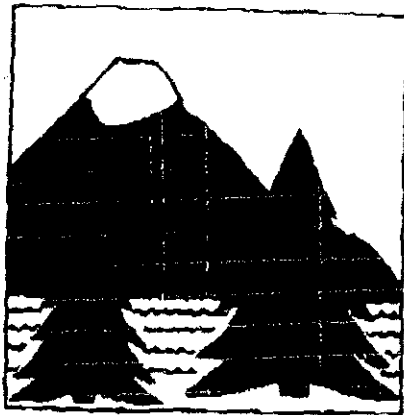


FLEIS & VANDENBRINK ENGINEERING, INC.

Offices in Grand Rapids, Muskegon and Traverse City
316 Morris Avenue, Suite 230, Muskegon, MI 49440
Phone: 231.726.1000 Fax: 231.726.2200

BID TABULATION SHEET Parcel 7S UST Removal Muskegon, Michigan

	Young's			Nothorn A-1		
	units	unit cost	sub total	units	unit cost	sub total
Tanks				1	\$ 2,990.00	\$ 2,990.00
10K	1	\$ 1,800.00	\$ 1,800.00			\$ -
5K - 2	2	\$ 1,600.00	\$ 3,200.00			\$ -
Liq Disp	5900	\$ 0.75	\$ 4,425.00	5900	\$ 2.60	\$ 15,340.00
				1	\$ 350.00	\$ 350.00
Backfill	99	\$ 6.35	\$ 628.65			\$ -
Total			\$ 10,053.65			\$ 18,680.00



YOUNG'S

ENVIRONMENTAL

CLEANUP INC.

Via Facsimile

May 8, 2003

Ms. Carrie Rivette, P.E.
Fleis & Vandenbrink Engineering, Inc.
316 Morris Ave., Suite 230
Muskegon, Michigan 49440

Re: UST Removal Services -
785 Ottawa, Muskegon, MI.

Proposal No: 51503

Dear Carrie,

Young's Environmental Cleanup, Inc. (YECI) is pleased to provide the following proposal to provide the above referenced services. The project objective will be the removal of (2) x estimated 5000 gallon and 1 x estimated 10,000 gallon gasoline tanks from the above-referenced property.

SCOPE OF WORK

Upon the acceptance of a signed proposal/agreement, or purchase order, Young's will perform the following Scope of Work:

- Mobilize to site.
- Pumpout product from tanks (estimated 6000 gallons).
- Excavate surface cover over tanks.
- Completely expose tops of tanks.
- Vent tanks to render vapor free.
- Excavate tanks and remove piping.
- Cut and clean tanks.
- Drum any solids/PPE generated during the cleaning process.
- Remove and dispose of the tanks, piping and drums.
- Backfill excavation area with fill sand and compact to 95% proctor.

COST OF SERVICES

- 2 x 5000 Gallon Tanks - \$1,600.00 per tank
- 1 x 10,000 Gallon Tank - \$1,800.00
- Liquid Disposal = \$0.75/gallon (estimated 6000 gallons)
- Sand/Backfill (Delivered) - \$6.35 per cubic yard (estimated 120 cubic yards)

4990 WEST RIVER DR. • COMSTOCK PARK, MI 49321 • (616) 785-3374 • FAX (616) 785 3401
CORPORATE HEADQUARTERS • G 5305 N. DORT HWY. • FLINT, MI 48605
PHONE (810) 789-7155 • FAX (810) 789-3606
24 HOUR EMERGENCY RESPONSE 1-800-406-8647

Significant Assumptions

- Quote is good for sixty days.
- Price does not include any asphalt or concrete restoration.
- Price assumes "clean closure." Excavation, transportation and disposal of contaminated materials will be done on a time and material basis.
- Conditions out of the control of Young's Environmental Cleanup, Inc., including, but not limited to, lined tanks, shoring or bracing, dewatering operations, or concrete hold down slabs will result in additional charges on a time and materials basis.
- Miss-Dig to be called by Young's.
- Assumes no underground utilities will affect timely completion of the project.
- Fleis & Vandenbrink personnel will be responsible for compaction testing.

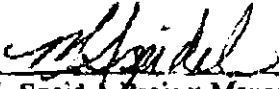
PAYMENT AND CONDITIONS

By signing below you, the client, hereby acknowledge receipt of the attached Standard Conditions, which are hereby made an integral part of this Proposal/Agreement. Young's Environmental Cleanup, Inc. will conduct the work in accordance with the attached Standard Conditions. All work will be conducted under the direction of Fleis & Vandenbrink personnel. Payment in full is required within 30 days of invoice date.

ACCEPTANCE

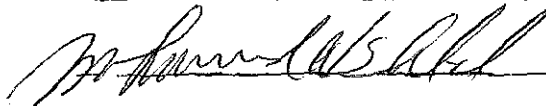
By your signature, you are entering into a contract with Young's Environmental Cleanup, Inc. which is subject to the attached Standard Conditions. Please sign below and return to our office indicating your acceptance. Please contact me with any questions at our Grand Rapids office (616) 785-3374. Thank you for considering Young's Environmental Cleanup, Inc. We look forward to working with you on this project.

YOUNG'S ENVIRONMENTAL CLEANUP, INC.


Maura K. Speidel, Project Manager

5/8/03
Date

FLEIS & VANDENBRINK ENGINEERING, INC.



5/14/03
Date

c:\winword\proposal\51503.f&v

Client: Fleis & Vandenbrink
 Proposal #: 51503

Proposal/Agreement
 Page 1 of 2

Date: 5/08/03

STANDARD CONDITIONS

THIS AGREEMENT is by and between Young's Environmental Cleanup, Inc., a Michigan corporation, of G-5305 N. Dort Hwy., Flint, Michigan, 48606 (hereinafter referred to as "Young's Environmental") and the client. Both parties agree that the following provisions shall be part of the Proposal/Agreement.

1. PROJECT Young's Environmental hereby contracts with client to perform the scope of work (hereinafter referred to as the scope of work or project) as described on the proposal. The scope of work is an integral part of this proposal/agreement and shall control Young's Environmental's obligations to provide services. The services not expressly or implicitly included with those specified in the proposal, as determined by Young's Environmental, are not covered by this proposal/agreement.

2. CONSIDERATION Young's Environmental shall be paid for all services rendered in accordance with the price quotation, which is shown on the proposal and incorporated herein by reference. All price quotations are based on normal ground and work conditions. All abnormal conditions shall result in additional charges. As used herein, abnormal conditions include, but are not limited to, high water table, unstable soil, buried utilities, buried debris, buried footing and/or foundations, excessive concrete, rebar, unexpected underground structures, cables, conduit, running sand, etc. Any changes in specified equipment used, material, parts, scope of work, timing or plans and specifications will be subject to extra charges.

3. PERFORMANCE Young's Environmental shall exercise due care in performing the services under the terms of this proposal/agreement, but Young's Environmental makes no warranty, expressed or implied, with respect to any services performed or to be performed under this proposal/agreement. The client recognized that the state of practice, particularly with respect to hazardous substance conditions, is changing and evolving. While Young's Environmental will perform in reasonable accordance with standards in effect at the time the services are performed, it is recognized that such standards may subsequently change because of improvements in the state of practice. Young's Environmental shall not be liable for delays caused by weather, strikes, or accidents. Young's Environmental shall not be liable for any claim, damage, cost or expense, including attorney fees, or other liability not directly and solely caused by the negligent acts, errors or omission of Young's Environmental. In no event shall Young's Environmental be liable for any incidental or consequential loss or damage to the client's property in connection with the performance of services hereunder. In any event, the liability of Young's Environmental hereunder shall not exceed the lesser of \$50,000.00 or the aggregate of all fees paid to Young's Environmental by client with respect to the project. The client shall give written notice to Young's Environmental of any claim of negligent act, error or omission within one (1) year after the completion of the work performed by Young's Environmental. Failure to give notice herein required shall constitute a waiver of said claim by client.

4. TERMINATION This proposal/agreement may be terminated by either party upon five (5) days prior written notice. In the event of termination, Young's Environmental shall be paid up to the effective date of termination for all services rendered by it and all cost incurred.

5. PAYMENT Young's Environmental shall bill for services rendered and all costs incurred. Each invoice shall be due and payable within thirty days (30) of the presentation of the invoice. Client shall not off-set any amounts due to Young's Environmental because of the client's inability to obtain financing, zoning, approval of governmental or regulatory agencies, or any other cause, reason, or contingency. Invoices over thirty (30) days shall be subject to interest at the rate of one and one-half (1 1/2) percent per month on the unpaid balance, or the highest lawful rate, whichever is highest. Young's Environmental, after fifteen (15) written day's notice to the client, may suspend performance of services until all prior amounts incurred by the client are paid in full.

6. ARBITRATIONS Any dispute arising under this Contract shall be arbitrated. Any arbitration award shall be binding and enforceable by a court of competent jurisdiction. The arbitration shall be the sole and exclusive remedy of the parties. Venue for the arbitration shall be in Genesee County, Michigan. The arbitration shall be conducted by a single arbitrator. If the parties cannot agree upon an arbitrator, then the arbitrator shall be selected by the Genesee County Circuit Court. If a proceeding is brought before the Genesee County Circuit Court to enforce this arbitration provision or to select an arbitrator, the court shall maintain continuing jurisdiction of the proceeding to rule on discovery disputes for the enforcement of the award, if any, and to otherwise oversee the arbitration proceeding.

Client: Fleis & Vandenbrink
Proposal #: 51503

Proposal/Agreement
Page 2 of 2

Date: 5/08/03

7. INSURANCE Upon request, Young's Environmental shall furnish client a written description of insurance coverage's then being maintained by Young's Environmental which may be related to the performance of services by Young's Environmental under this proposal/agreement. No oral representations regarding such insurance shall be binding upon Young's Environmental.

8. COST ESTIMATES Young's Environmental has no control over the cost of labor or certain materials or disposal of environmentally contaminated or hazardous projects and any estimates of such costs are not warranted by Young's Environmental.

9. INDEMNITY Client agrees to indemnify, protect and hold harmless Young's Environmental from and against all liability, claims, demands, losses, damages, expenses and costs (including attorney fees) relating in any way to the performance of services by Young's Environmental under this proposal/ agreement; provided, however, that the client shall not be obligated to indemnify Young's Environmental for any injury or damage (other than incidental or consequential damage) caused directly and solely by the negligent acts, errors, or omissions of Young's Environmental.

10. SITE SECURITY Client is solely responsible for all aspects of site security and for obtaining any necessary permission from any affected third party or municipality for use of their respective lands. The client will provide access to the site of work and will obtain all necessary permits and pay the costs of such permits unless specifically included in the scope of work.

11. FEDERAL/MICHIGAN RIGHT TO KNOW COMPLIANCE In compliance with Michigan Right to Know Law and the Federal Hazard Communication Standard, client shall provide Young's Environmental with a detailed list of all hazardous substances and chemicals located upon the site which employees and agents of Young's Environmental may be exposed to under the terms of this proposal/agreement.

12. WAIVER No waiver, discharge, or renunciation of any claim or right of Young's Environmental arising out of a breach of this proposal/agreement by client shall be effective unless in writing and signed by Young's Environmental and supported by separate consideration.

13. GOVERNING LAW This agreement shall be deemed to have been made in Genesee County, Michigan, and shall be governed by and construed in accordance with the laws of the State of Michigan.

14. ACCEPTANCE This agreement shall not be effective until the proposal/agreement is signed by a duly authorized representative of Young's Environmental. Pricing is valid for not more than 80 days from the date of the proposal.

15. NON-LIABILITY AND EXISTING CONDITIONS Client acknowledges that Young's Environmental and it's subcontractors have played no part in the creation or existence of any hazardous waste, pollution sources, nuisances or chemical or industrial disposal problem which may exist, and that Young's Environmental has been retained for the sole purpose of performing the services as defined in the scope of work. Young's Environmental shall not be liable to client or any third party for any environmental damages to client's property, nor shall Young's Environmental be liable for any environmental damage outside the scope of this proposal/agreement and for which Young's Environmental has not agreed to provide services. The client shall indemnify and hold Young's Environmental harmless against all damages, losses and claims resulting from: floating and or shifting tanks; damage done to existing or new concrete flatwork through normal usage of equipment; barricading holes; and an open hole that cannot be backfilled for reasons beyond Young's Environmental's control.

16. AMENDMENTS This proposal/agreement may be amended only by a written instrument signed by both the client and Young's Environmental which expressly refers to this proposal/agreement.

2003-42 e)

Date: May 13, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Thomas Harris
441 W. Western

SUMMARY OF REQUEST: Thomas Harris previously requested a Class C license under the Downtown Development Authority. This request is to add a Dance-Entertainment Permit, Official Permit (food), Outdoor Service Permit, Five Direct Connections, and two bars to be located at 441 W. Western Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 05-06-03

Re: Liquor License Request

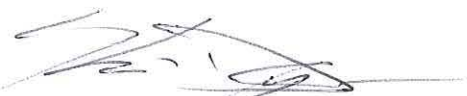
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Thomas A. Harris, 441 W. Western, Muskegon, MI. 49440.

Thomas Harris is requesting a new full year Class C license issued under Downtown Development Authority and to include the following: Dance-Entertainment Permit, Official Permit (food), 2 bars, and Add Outdoor Service. Mr. Harris has made prior application for ownership of another licensed alcohol service establishment, 450 W. Western, and has prior experience in business ownership. Mr. Harris has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

The City of Muskegon has already approved the liquor license under D.D.A. but approval is needed for the Add Outdoor Service Permit. A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/harris2

Should get
back 1 aug.
contact

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

At a Regular meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on May 13, 2003 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Schweifler

That the request from THOMAS A. HARRIS FOR A NEW FULL YEAR CLASS C LICENSE ISSUED UNDER MCL 436.1521(1) (DOWNTOWN DEVELOPMENT AUTHORITY LICENSE) WITH DANCE-ENTERTAINMENT PERMIT TO BE LOCATED AT 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY. ALSO WITH OFFICIAL PERMIT (FOOD), FIVE DIRECT CONNECTIONS, AND TWO BARS, AND OUTDOOR SERVICE PERMIT LOCATED ON CITY SIDEWALK AS PERMITTED.

be considered for Approval

(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended

for issuance

(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on May 13, 2003
(Date)

SEAL

(Signed) Gail A. Kunderger
(Township, City or Village Clerk)
 Gail A. Kunderger, City Clerk
 933 Terrace
 Muskegon, MI 49440
(Mailing address of Township, City or Village)

rel 4.22.03
AA

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

To: MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET
PO BOX 536
MUSKEGON, MI 49443-0536

Date: April 2, 2003
REF#: 200052

Chief Law Enforcement Officer

Applicant:

THOMAS A. HARRIS REQUESTS A NEW FULL YEAR CLASS C LICENSE ISSUED UNDER MCL 436.1521(1) (DOWNTOWN DEVELOPMENT AUTHORITY LICENSE) WITH ~~DANCE~~ ~~ENTERTAINMENT~~ PERMIT, OFFICIAL PERMIT (FOOD), AND 2 BARS TO BE LOCATED AT 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY.

*ADD OUTDOOR SERVICE, Keep Dance & Entertainment also
ADD 5 DIRECT CONNECTIONS AA*

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

~~Please include fingerprint cards and \$30.00 for each card, and mail to the Michigan-Liquor-Control Commission.~~ AA

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 9/17
4880-1658

sfs

POLICE INSPECTION REPORT ON LICENSE REQUEST

Req ID #200052

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

121 4-22-03

AA

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.**Return the completed report and fingerprint cards to the Commission.**

BUSINESS NAME AND ADDRESS: (include zip code)

THOMAS A. HARRIS, 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY

REQUEST FOR:

REQUEST FOR A NEW FULL YEAR CLASS C LICENSE ISSUED UNDER MCL 436.1521(1) (DOWNTOWN DEVELOPMENT AUTHORITY LICENSE) WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), AND 2 BARS. *NO OUTDOOR SERVICE & 5 DIRECT CONNECTIONS AA***Section 1.****APPLICANT INFORMATION**

APPLICANT #1:

THOMAS A. HARRIS

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1790 SUN DOLPHIN DRIVE

MUSKEGON, MI 49444

H(231)798-9064/B(231)733-2725

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: *2-2-66*

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.**Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

MUSKEGON POLICE DEPARTMENT

1614 22.03
AD

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION
(Authorized by MAC R 436.1437)

Applicant or Licensee Name: THOMAS A. HARRIS

Address: 441 W. WESTERN

Type of License: _____

The Commission is requested to grant an after hours permit for: (check boxes that apply)

- ☒ Operating our restaurant for the sale of food
- ☐ Operating night league bowling, tournaments or Sunday morning bowling
- ☐ Registering golfers
- ☐ Registering Skiers
- ☐ Registering Tennis Players
- ☐ Other: _____

During the Hours of:

Weekdays 2³⁰ A.M. to 3³⁰ A.M.

Sundays 10⁰⁰ A.M. to NOON A.M.

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures: [Signature] _____

LOCAL LAW ENFORCEMENT RECOMMENDATION

To Law Enforcement Agency:

This application is for official permits allowing the after hours operations indicated above. Please enter your recommendations below and return one signed copy to the Commission. Thank you.

- ☒ Recommended. Comments: _____
- ☐ Recommended except for _____ permit.
- ☐ Not Recommended

Signature and Title * [Signature] CHIEF OF POLICE Date: 5-12-03



STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

121 4-22-03
REQ ID: 200052 AA

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

THOMAS A. HARRIS

APPLICANT/LICENSEE

733-2725

PHONE NUMBER

1790 Sundolphin

STREET ADDRESS

Muskegon

CITY

Muskegon

TOWNSHIP

49444

COUNTY

ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☒ TOPLESS ACTIVITY ☐

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐

2. Describe the type of entertainment applicant/licensee will provide: N/A ☐
Live DJ and music

3. Will this entertainment include topless activity? YES ☐ NO ☒ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☒	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☒	N/A	☐

REMARKS:

05-07-2003

DATE SUBMITTED

B. L. Klebula 5-12-03
OFFICER'S SIGNATURE

Muskegon Police Department
DEPARTMENT NAME

231. 724-6750
PHONE NUMBER

980 Jefferson St.
ADDRESS

Muskegon

CITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

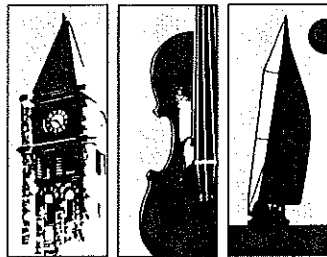
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

May 14, 2003

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: #200052
441 W. Western
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is form LC-1800, LC-1112, and LC-693N for the above mentioned request.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

Enc.

Class C license was already approved

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Thomas A. Harris

Business Address: 441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☒

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☒

Other Outdoor Service Permit + 5 Direct Connections

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects Inspection

required to review set up

owner shall call to schedule

724-6793

Department Signature

Margie M. [Signature]

Gail A. Kundering, City Clerk
Liquor License Coordinator

Class C license was already approved

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Thomas A. Harris

Business Address: 441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☒

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☒

Other Outdoor Service Permit + 5 Direct Connections

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects

Services

Nothing to
approve at this time.
No plans submitted +
facilities are currently
non-existent.

Department Signature Robert B. Shalinski 5/8/03

Gail A. Kundinger, City Clerk
Liquor License Coordinator

Class C license was already approved

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Thomas A. Harris

Business Address: 441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☒

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☒

Other Outdoor Service Permit + 5 Direct Connections

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Donna [Signature] 9/9/03

Gail A. Kunder, City Clerk
Liquor License Coordinator

Class C license was already approved

LIQUOR LICENSE REVIEW FORM

RECEIVED

MAY 7 2003

CITY OF MUSKOGEE
PLANNING DEPARTMENT

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Thomas A. Harris

Business Address: 441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☒

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☒

Other Outdoor Service Permit + 5 Direct Connections

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Brenda Moore

Gail A. Kunderger, City Clerk
Liquor License Coordinator

Class C license was already approved

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Thomas A. Harris

Business Address: 441 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☒

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☒

Other Outdoor Service Permit + 5 Direct Connections

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature [Signature] 5/11/03

Gail A. Kunder, City Clerk
Liquor License Coordinator