CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 27, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

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

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

B. **Resolution for Charitable Gaming License - Michigan Deaf Association, Inc.** CITY CLERK

C. **Annual Taxicab License Renewal for Port City Cab Company & Yellow Cab Company.** CITY CLERK

D. **Summer Celebration Request.** LEISURE SERVICES

E. **Lighthouse Acre Deed.** LEISURE SERVICES

F. **Sale of Marginal Lot at 1095 James Avenue.** PLANNING & ECONOMIC DEVELOPMENT

G. **Sale of Marginal Lots at 348 and 372 Dratz Street.** PLANNING & ECONOMIC DEVELOPMENT

H. **Sale of Non-Buildable Lots at 443 & 453 Catherine Avenue.** PLANNING & ECONOMIC DEVELOPMENT

I. **Sale of Buildable Vacant Lot on Meeking Street.** PLANNING & ECONOMIC DEVELOPMENT

J. **Vacation of a Portion of Jackson Avenue.** PLANNING & ECONOMIC DEVELOPMENT

K. **Vacation of a Portion of Leahy Street.** PLANNING & ECONOMIC DEVELOPMENT

L. **Cool Cities Pilot Program – Grant Request.** PLANNING & ECONOMIC DEVELOPMENT

M. **Set Public Hearing for Amendment to Brownfield Plan - "The Watermark" Project.** PLANNING & ECONOMIC DEVELOPMENT

N. **Consideration of Proposals for Nims Street Tank Painting.** ENGINEERING

O. **First Quarter 2004 Budget Reforecast - Adoption.** FINANCE

P. **Transmittal of 2003 *Comprehensive Annual Financial Report*.** FINANCE

- **PUBLIC HEARINGS:**

A. **Request to Establish an Obsolete Property District - Harbor Theater.** PLANNING & ECONOMIC DEVELOPMENT

B. **Request to Issue an Obsolete Property Certificate - Harbor Theater.** PLANNING & ECONOMIC DEVELOPMENT

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

A. **Vacation of a Portion of Larch Avenue.** PLANNING & ECONOMIC DEVELOPMENT

B. **Healthcare Renewal/Rx Co-Pay Reimbursement Program.** FINANCE

C. **Liability/Property Insurance Renewal.** FINANCE

D. **Sale of Parcel in Seaway Industrial Park.** PLANNING & ECONOMIC DEVELOPMENT

E. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:** INSPECTION SERVICES

1. **1381 Seventh**
2. **1317 Seventh**
3. **637 Amity**

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

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

- **ADJOURNMENT:**

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

Date: **April 27, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, April 12, 2004; and the Regular Commission Meeting that was held on Tuesday, April 13, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 27, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, April 27, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson from the Word of Truth Outreach after which the Commission and Public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioners Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2004-40 CONSENT AGENDA:

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

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, April 12, 2004; and the Regular Commission Meeting that was held on Tuesday, April 13, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. **Resolution for Charitable Gaming License - Michigan Deaf Association, Inc.** CITY CLERK

SUMMARY OF REQUEST: The Michigan Deaf Association, Inc., is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

C. **Annual Taxicab License Renewal for Port City Cab Company & Yellow Cab Company.** CITY CLERK

SUMMARY OF REQUEST: This request is from Thomas Wakefield and Steve Barnum of Wakefield Leasing, whose office is located at 770 W. Sherman Blvd., Muskegon, MI.

They are requesting approval of a license to operate 11 taxicabs for both Port City Cab Company and Yellow Cab Company. The Muskegon Police Department has inspected the taxicabs and approves this request.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of 11 taxicabs.

E. Lighthouse Acre Deed. LEISURE SERVICES

SUMMARY OR REQUEST: To authorize the Mayor to sign the quitclaim deed for Lighthouse Acre.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION: Leisure Services Board recommends approval.

F. Sale of Marginal Lot at 1095 James Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant marginal lot (Parcel #24-612-000-0528-00) at 1095 James Avenue to Perry Dennie, of 539 Bennett Street, Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard. The other adjacent property owner was offered a portion of this lot, but didn't respond. This lot is being offered to Mr. Dennie for $1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee (LRC) recommended approval of this request at their March 23, 2004 meeting.

H. Sale of Non-Buildable Lots at 443 & 453 Catherine Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of two vacant non-buildable lots (Parcel #24-205-079-0002-10 and #24-205-079-0003-10) at 443 and 453 Catherine Avenue to William Simonitis, of 449 Catherine Avenue, Muskegon, MI. Approval of this sale will allow Mr. Simonitis to expand his current yard. The lots are being offered to Mr. Simonitis for $1 each under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of these lots will allow the properties to be placed back on the City 's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

I. Sale of Buildable Vacant Lot on Meeking Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 275 Meeking Street (Parcel #24-613-000-0673-00) to Habitat for Humanity, 280 Ottawa Street, Muskegon, MI. The lot is 223 x 126 ft. and is being offered to Habitat for Humanity for $13,500. They plan to split the lot into three 74.3 ft. lots and construct three 1,260 sq. ft. single-family homes as part of the Jimmy Carter home building program. The homes will conform to the design guidelines contained in the "policy for Sale of City-Owned Residential Property." Habitat for Humanity will be meeting with the president of the Marquette Neighborhood Association to present the home designs for review. The True Case Value (TCV) for the property listed in the Assessor's Office is $18,000, so our price is set at $13,500 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of three new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

J. Vacation of a Portion of Jackson Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Jackson Ave., between E. Western and Ottawa Street.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Jackson Ave., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended the vacation, with the condition as listed above. The vote was unanimous with B. Mazade, S. Warmington, and B. Smith absent.

K. Vacation of a Portion of Leahy Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Leahy St., between Larch Ave. and the Hackley Hospital Professional Center entry drive.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Leahy St., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the vacation, with the condition as listed above with T. Harryman not present for the vote.

L. Cool Cities Pilot Program – Grant Request. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The State has a new Cool Cities Pilot Program available. Cities that are successful in their applications will receive "catalyst" grants of up to $100,000, which are designated to jump-start their revitalization efforts. Grants are due by May 7, 2004. For the first year of funding, 12 cities will be chosen. Muskegon is proposing to combine this grant with the Neighborhoods of Choice (former Partner Grant) and the MDOT Transportation Enhancement Grant. The Cool Muskegon Committee has recommended that we apply for Wayfinding Signage that will be placed in both the downtown and Lakeside area. In this way, the City can tie these two important cultural, transportation and tourist areas together.

FINANCIAL IMPACT: There is no requirement for a match, although several other projects and grants will be tied in with this request. In addition, it is anticipated that the Chamber of Commerce will be able to assist with private contributions to the project. The total project cost is anticipated to be $150,000. This will include a maintenance fund for the signage in the future.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Cool Muskegon Committee recommends that the City apply for the Cool City grant and request $100,000 for Wayfinding signage.

M. Set Public Hearing for Amendment to Brownfield Plan - "The Watermark" Project. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by P & G Holdings NY, LLC ("P & G"), known as The Watermark project, located at 1321 Division, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the revitalization of the former Shaw Walker building into residential and commercial space will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on April 20, 2004 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan amendment for May 25, 2004.

N. Consideration of Proposals for Nims Street Tank Painting. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Nelson Tank Engineering & Consulting out of Lansing for a not to exceed cost of $20,175. The scope of services includes the preparation of the contract document and the performance of daily inspection should the project be awarded. Nelson Tank was one of two consulting firms responding to the Request for Proposal. The other firm, Dixon Engineering out of Lake Odessa, submitted a very similar proposal with a not to exceed price of $21,987.50.

FINANCIAL IMPACT: The cost for the engineering services (Contract specifications & Inspection) of $20,175.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to enter into an engineering service agreement with Nelson Tank Engineering & Consulting.

O. First Quarter 2004 Budget Reforecast - Adoption. FINANCE

SUMMARY OF REQUEST: Staff has previously transmitted the ***First Quarter 2004 Budget Reforecast*** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors. At this time staff is recommending adoption of the budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: General fund revenues continue to deteriorate. Currently we estimate the general fund revenue shortfall to be $451,611, attributable mostly to lower than projected state shared revenues. General fund expenditure projections are little changed from the original budget at this time as staff continues to analyze expense reduction options to offset the revenue shortfall. These will be brought to you in the coming weeks. The first quarter reforecast incorporates several significant changes to major capital projects due to updated information not available at the time the original 2004 budget was prepared.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends formal approval of the *Reforecast* and related budget amendments.

P. Transmittal of 2003 *Comprehensive Annual Financial Report*. FINANCE

SUMMARY OF REQUEST: The City's 2003 *Comprehensive Annual Financial Report* (CAFR) has previously been distributed to City Commissioners. At this time the CAFR is being formally transmitted to the Commission in accordance with state law. The 2003 CAFR has been prepared in accordance with GASB 34 accounting standards. Should the Commission wish to do so staff and the independent auditors are prepared to conduct an in-depth work session to focus on the CAFR as well as City finances in general.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2003 and includes the independent auditor's unqualified opinion on the City's financial statement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Acceptance of the 2003 CAFR.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda with the exception of items d and g.

ROLL VOTE: **Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter**

Nays: None

MOTION PASSES

2004-41 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. <u>Summer Celebration Request.</u> LEISURE SERVICES

SUMMARY OF REQUEST: Summer Celebration is asking that the City waive the rental charges for the use of City equipment during the festival.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: The Leisure Services Board did not make a recommendation. They requested more information be provided in order to make a decision.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to waive the rental charges for the use of City equipment during the festival.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

MOTION PASSES

G. <u>Sale of Marginal Lots at 348 and 372 Dratz Street.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of two vacant marginal lots (Parcel #24-613-000-0764-00 and #24-613-000-0766-00) at 348 and 372 Dratz Street to Terry Kunnen, Jr., of 354 Dratz Street, Muskegon, MI. Approval of this sale will allow Mr. Kunnen to expand his current yard. The property located to the North of Mr. Kunnen has an occupied, tax-reverted house located on it. These lots are being offered to Mr. Kunnen for $1 each under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of these lots will allow the properties to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the sale of two vacant marginal lots at 348 and 372 Dratz Street to Terry Kunnen of 354 Dratz.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

2004-42 PUBLIC HEARINGS:

A. <u>**Request to Establish an Obsolete Property District - Harbor Theater.**</u>
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Great Lakes Marina & Storage, LLC, 1920 Lakeshore Drive, Muskegon, Michigan, has requested he establishment of an Obsolete Property District. The district would be located at 1937 Lakeshore Drive, Muskegon, MI, the former Harbor Theater. Total capital investment for this project is $123,500. The project will result in the creation of 12-14 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 1937 Lakeshore Drive, Muskegon, MI.

The Public Hearing opened at 5:55 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to close the Public Hearing at 5:57 p.m. and approve the resolution establishing an Obsolete Property District for 1937 Lakeshore Drive.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

B. <u>**Request to Issue an Obsolete Property Certificate - Harbor Theater.**</u>
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Great Lakes Marina & Storage, LLC, 1920 Lakeshore Drive, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 1937 Lakeshore Drive (former Harbor Theater), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for use as a new improved theater and coffee shop. Total capital investment for this project is $123,500. The project will result in bringing 12-14 jobs to the City of Muskegon. Because of these new jobs, the applicant is eligible for a 9(nine) 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 issuing an Obsolete Property Certificate for 1937 Lakeshore Drive, Muskegon, MI for a term of nine (9) years.

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. Comments were heard from John Boltema, 625 Seminole.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 6:00 p.m. and approve the resolution issuing an Obsolete

Property Certificate for 1937 Lakeshore Drive for a term of (9) nine years.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

MOTION PASSES

2004-43 NEW BUSINESS:

A. Vacation of a Portion of Larch Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Larch Avenue, between Clinton and Leahy Street.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Larch Ave., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended the vacation, with the condition as listed above with T. Harryman and T. Michalski voting no.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the vacation of the portion of Larch Ave., between Clinton and Leahy St., with the condition that any City Easement rights be retained.

ROLL VOTE: Ayes: Warmington, Carter, Gawron, Larson, Shepherd, Spataro

Nays: Davis

MOTION PASSES

B. Healthcare Renewal/Rx Co-Pay Reimbursement Program. FINANCE

SUMMARY OF REQUEST: The City has received 2004-05 renewal rates for the Priority Health HMO program – the healthcare choice of nearly all active City employees. Renewal rates at current benefit levels are 15.1% higher than current rates. This translates to an additional annual cost of $286,204. Staff has also received renewal rates assuming a change in the drug benefit co-pay from the current $10.00 to $15.00. Making this change lowers the rate increase to 8.9% and achieves gross annual savings of $118,738. We have discussed this option with the labor-management committee and they are generally receptive to the change provided that the city re-implement the $5.00 Rx reimbursement program to help soften the impact on employees. Staff believes that even with this proviso, significant savings will be achieved and recommends approval.

FINANCIAL IMPACT: Net annual savings are estimated to be $93,438. The level of employee participation in the reimbursement program will determine actual costs/savings.

BUDGET ACTION REQUIRED: No budget action is recommended at this time, however, the change will have positive impact on both the 2004 and 2005 budgets.

STAFF RECOMMENDATION: Staff recommends renewal of the Priority Health contract with a $15.00 Rx co-pay and re-implementation of the $5.00 Rx co-pay reimbursement program.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve renewal of the Priority Health contract with a $15.00 Rx co-pay and re-implementation of the $5.00 Rx co-pay reimbursement program.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

C. Liability/Property Insurance Renewal. FINANCE

SUMMARY OF REQUEST: To renew the City's liability and property insurance coverage with the Michigan Municipal Risk Management Association (MMRMA), an intergovernmental self-insurance pool representing more than 300 Michigan municipalities. Since 1986 the City has had liability coverage through MMRMA; in 1999 property coverage was added. Staff is recommending that the City's self-insured retention (SIR) be increased from the current $75,000 level to $100,000. The savings from doing this are nearly $100,000 which means the City would have to have four claims of over $100,000 before the premium savings were offset by the higher deductible. Recent experience has been favorable and staff believes this is a sound risk to assume.

FINANCIAL IMPACT: Total contribution of $846,246 comprised of two components: $538,728 fixed insurance costs and $272,300 contribution to the City's self-insured retention fund. The fixed insurance costs represent a 3.5% decrease over 2003-04 costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Renewal of liability and property insurance coverage with MMRMA. Staff believes that intergovernmental procurement of insurance coverage is most cost-effective approach. Moreover, the MMRMA program has the broadest coverage available to Michigan municipalities and the City's past experience with the program has been very positive.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the renewal of liability and property insurance coverage with Michigan Municipal Risk Management Association.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

MOTION PASSES

D. Sale of Parcel in Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of Lot #9 in Seaway Industrial Park to Schultz Transport, Inc., 1559 Getz Road, Muskegon, MI 49441. This company performs commercial snowplowing, in addition to being a transport company. The purchase price is $24,000, which is the full asking price. Schultz Transport, Inc. will be relocating his business from his current location outside of the City, and has from 2-10 employees, depending on the season. As part of the purchase agreement, Schultz Transport, Inc. has requested a 45-day option on Lot #8.

FINANCIAL IMPACT: The sale of this lot, while is located in a Renaissance Zone, will still generate City of Muskegon income tax.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution, deed, and all other necessary documents.

Motion by Commissioner Shepherd, second by Commissioner Spataro approve the sale of lot #9 in Seaway Industrial Park to Schultz Transport Inc., 1559 Getz Rd, Muskegon for $24,000 with a 45-day option on Lot #8, and authorize the Mayor and Clerk to sign the resolution and deed and all other necessary documents.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

MOTION PASSES

E. **<u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u>** INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structures at 1381 Seventh, 1317 Seventh and 637 Amity are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

1. 1381 Seventh

CASE # & PROJECT ADDRESS: #EN-040025 – 1381 Seventh

LOCATION AND OWNERSHIP: This structure is located on Seventh Street between Merrill and Monroe and is owned by Chase Manhattan Bank, Houston, Texas.

STAFF CORRESPONDENCE: A dangerous building exterior inspection report was written 2/2/04 and Notice and Order to Repair or Remove was issued 2/3/04. An interior inspection was conducted 2/26/04. On 3/4/04 the HBA declared the structure substandard and a dangerous building.

OWNER CONTACT: A local realtor called and scheduled the interior inspection and stated he would be at the HBA meeting 3/4/04, but he was not there. There has been no contact since the interior inspection.

FINANCIAL IMPACT: CDBG funds.

BUDGET ACTION REQUIRED: None

SEV: $15,000

ESTIMATED COST OF REPAIRS: $25,000

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals to demolish 1381 Seventh and have the Mayor and City Clerk execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

2. 1317 Seventh

CASE # & PROJECT ADDRESS: #EN-040026 – 1317 Seventh

LOCATION AND OWNERSHIP: This structure is located on Seventh Street between Houston and Monroe and is owned by Option One Mortgage, Irvine, California.

STAFF CORRESPONDENCE: A dangerous building exterior inspection report was written 2/2/04 and Notice and Order to Repair or Remove was issued 2/3/04. On 3/4/04 the HBA declared the structure substandard and dangerous.

OWNER CONTACT: There has been no contact from the mortgage company.

FINANCIAL IMPACT: CDGB funds

BUDGET ACTION REQUIRED: None

SEV: $16.700

ESTIMATED COST OF REPAIRS: $4,000 plus the cost of interior repairs.

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals to demolish 1317 Seventh and have the Mayor and City Clerk execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

3. 637 Amity

This item was asked to be removed by staff.

The Regular Commission meeting for the City of Muskegon was adjourned at 7:12pm.

Respectfully submitted,

Gail A. Kundinger

Gail A. Kundinger, MMC

City Clerk

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Gail Kundinger, City Clerk

RE: Resolution for Charitable Gaming License

SUMMARY OF REQUEST: The Michigan Deaf Association, Inc., is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

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

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

At a Regular (REGULAR OR SPECIAL) meeting of the City Commission (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD)

called to order by Mayor Warmington on April 27, 2004 (DATE)

at 5:30 (TIME) ~~a.m.~~/p.m. the following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Shepherd

that the request from Michigan Deaf Association (NAME OF ORGANIZATION) of Inc. Muskegon (CITY),

county of Muskegon (COUNTY NAME), asking that they be recognized as a

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

gaming license, be considered for Approval (APPROVAL/DISAPPROVAL).

APPROVAL		DISAPPROVAL	
Yeas:	7	Yeas:	
Nays:	0	Nays:	
Absent:	0	Absent:	

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

adopted by the City Commission (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD) at a Regular (REGULAR OR SPECIAL)

meeting held on April 27, 2004 (DATE).

SIGNED: Gail A. Kundinger (TOWNSHIP, CITY, OR VILLAGE CLERK)

Gail A. Kundinger, MMC, City Clerk
PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

Internal Revenue Service
District Director

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: **MAY 04 1999**

Person to Contact:
John Kennedy 31-02763
Customer Service Representative
Telephone Number:
877-829-5500
Fax Number:
513-684-5936
Federal Identification Number:
38-1814242
Accounting Period Ends
December 31

Michigan Deaf Association,
Inc.
c/o Dallas Barker
4333 Carmanwood Dr.
Flint, MI 48507

Dear Sir:

This is in response to your request for a letter affirming your organization's exempt status.

In July 1945 we issued a determination letter that recognized your organization as exempt from federal income tax under section 101(6) of the Internal Revenue Code of 1939 (now section 501(c)(3) of the Internal Revenue Code of 1986). That determination letter is still in effect.

We classified your organization as a publicly supported organization, and not a private foundation, because it is described in sections 509(a)(1) and 170(b)(1)(A)(vi) of the Code. This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's purposes, character, method of operations, or sources of support have changed, please let us know so we can consider the effect of the change on the organization's exempt status and foundation status.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than $25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of $20 a day, up to a maximum of $10,000, when a return is filed late, unless there is reasonable cause for the delay.

As of January 1, 1984, your organization is liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more the organization pays to each of its employees during a calendar year. There is no liability for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Michigan Deaf Association, Inc.
38-1814242

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the permanent records of the organization.

If you have questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

C. Ashley Bullard

C. Ashley Bullard
District Director

BCS/CD-2000 (11/03)

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BUREAU OF COMMERCIAL SERVICES, CORPORATION DIVISION
2003 NONPROFIT CORPORATION INFORMATION UPDATE

☐ To certify there are no changes from your previous filing check this box and proceed to Item 6. If the resident agent and/or registered office has changed complete Items 1-6. If only officer and director information has changed complete Items 4-6.

FOR BUREAU USE ONLY

Identification Number	Corporation name
851152	MICHIGAN DEAF ASSOCIATION, INC.

Resident agent name and mailing addre
RICHARD HARKLERO
2330 IRONWOOD DR
CLARKSTON MI 4834

MICHIGAN DEAF ASSOCIATION INC.
P.O. BOX 21235
LANSING, MI 48909

Total Asset 0183
62-15/311

Date Jan. 9, 2004

Pay to the Order of State of Michigan $ 20,00

Twenty and no cents Dollars

AG Edwards
PNCBANK
Wilmington, Delaware

For 2003 NonProfit Corp Fee

Diana McKittrick
Richard Harkleroad

⑆031100157⑆ 194148594 2⑈ 0183

The address of the registered office
2330 IRONWOOD DR
CLARKSTON MI 48348

1. Mailing address of registered office in Michigan (may be a P.O. Box)	2. Resident Agent
2140 HARDWOOD Dr. DAVISON, MI 48423	Diana McKittrick

3. The address of the registered office in Michigan (a P.O. Box may not be designated as the address of the registered office)
Serve as the voice for the Deaf Citizens of Michigan. The Objectives are: 1) Promote Communication and architectural Accessibity, Right to choose an educational program 2) Protect the Constitutional & Civil Rights of Deaf Citizens (3) Preserve ASL and Deaf Cult

4. Describe the purpose and activities of the corporation during the year covered by this report: The purpose of this organization is t

		NAME	BUSINESS OR RESIDENCE ADDRESS
	5. President (Required)	Diana McKittrick	2140 HARDWOOD, DAVISON MI 48423
If different than President	Secretary (Required)	Margaret Barker	4333 Carmanwood Dr, Flint, Mich. 48507
	Treasurer (Required)	Richard Harkleeroad,	2330 Ironwood Dr., Clarkston, MI 48348-5300
	Vice President	Peggy Frelich	1631 Miller Road FLINT, MI 48503
If different than Officers	~~Director (Required)~~ VP	Susie Parnes	1650 ParkWest Drive, Apt 102 Monroe, MI 48162
	Director	BoBBy Grumm	1631 Pennoyer ave, Grand Haven, MI 49417
	Director		

6. The filing fee is $20.00. Please make your check or money order payable to the State of Michigan. This report must be filed on or before October 1, 2003 Return this signed report with fee to:

Michigan Department of Consumer & Industry Services
Bureau of Commercial Services, Corporation Division
P.O. Box 30057
Lansing, MI 48909-7557
(517) 241-6470

Signature of authorized officer or agent	Title	Date	Phone (Optional)
Diana McKittrick	President	1-9-04	TTY 810-239-3112

If more space is needed additional pages may be included. Do not staple any items to report. This report is required by Section 911, Act 162, Public Acts of 1982, as amended. Failure to file this report may result in the dissolution of the corporation.

Subj: **Re: Lottery license**
Date: 4/16/2004 7:24:06 AM Eastern Daylight Time
From: Hunterc9
To: euchreking@ameritech.net, hunterc2@michigan.gov
CC: MIDeafA, dianamckitty@myairmail.com

Bobby
Wonderful. I did not know that Muskegon will ask for them. I thought you go to Grand Haven. But Muskegon is fine.
Attached is Const and Bylaws. It was never signed or dated. We should do that from now and on. Diana can sign it at the end but she will be gone to Wash DC this Sunday thru Tues or Wed. Try show bylaws and say that it has dates of ratification on last page.

Richie
You have both #2 and #3 in Treasurer's file cabinet. There is a folder called Articles of Incorporation. Send it along with IRS letter also in the file cabinet.
Chris

> Hi Chris, this morning I went to Grand Rapids then went to City hall in Muskegon. The clerk requires three different organization informations before she can submit the applications to the city commision on April 27th for approval! But must turn all informations in by April 20th. Look the first 3 required items listed on Local Civic Organization Qulaification Information that they need. It is the same way that required 10 years ago when i applied on first time.
>
> 1. A signed and dated copy of the organization's current Bylaws and Constitution;
>
> 2. A complete copy of the organization's Articles of Incorporation that have been filed with the Corpations and Securities Bureau, if the organization is incorporated.
>
> 3. A copy of the letter from IRS stating the organization is emept from federal tax under IRS code 501(c)3 OR copies of bank statment per year for thw previuos five years, excluding the current year. The last seven items is not required, only first 3 items.
>
> On #2 I remember I went there and submitted for the copy of Incorporated and I had to wait for more than an hour so maybe better call them to submit then you can pick it up anytime to save your waiting time.
>
> I need them by April 19th or 20th so I can give to the city clerk on 20th or earlier or you have to wait another 30 days. After the city commison approves it, I will pick it up on the next business. Then whom should I send the informations - I think I should send the informations to Bureau of Lottery to speed up the applications.
>
> Any questions please let me know!
>
> Bobby

Revised 3-10-99

MDA CONSTITUTION & BY-LAWS

Michigan Deaf Association, Inc.
Constitution
and
By-laws
(As amended at the 45th Biennial Convention, Troy, Michigan, September 29, 1995)
Organized in 1887
Incorporated in 1911
Under the laws of state of Michigan
A non-profit organization
Under
Section 501(c)(3) of the Internal Revenue Code of 1954

TABLE OF CONTENTS

CONSTITUTION

BY-LAWS

CONSTITUTION

ARTICLE I - NAME

SECTION 1:
The name of this non-profit organization is "Michigan Deaf Association, Inc." (MDA)

SECTION 2:
This Association, formerly known as Michigan Association of the Deaf, Inc. (MAD) was organized in the city of Flint, Genesee county is 1887, and incorporated in the state of Michigan in 1911.

SECTION 3:
This Association is classified as a non-profit organization under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE II - PURPOSE

SECTION 1:
The purpose of this Association is to serve as a voice for Deaf citizens of Michigan. The objectives of the Association are 1) to promote communication and architectural accessibility, the right to choose an educational program, and the right to choose communication mode; 2) to protect the Constitutional and civil rights of Deaf citizens; 3) to preserve the American Sign Language and Deaf culture.

SECTION 2:
This Association shall be a cooperating member with the National Association of the Deaf, also known as the MAD.

ARTICLE III - REGISTERED ADDRESS

SECTION 1:
The registered address of this Association shall be the address of the Association President.

ARTICLE IV - TERM

SECTION 1:
The existence of this corporation is perpetual.

ARTICLE V - MEMBERSHIP

SECTION 1:
The membership of this Association shall be open to any Deaf/hh and hearing citizen with understanding that hearing member ~~shall not hold an office and has no voting privilege~~ MAY VOTE BUT MAY NOT BE ELECTED OFFICER. -A

SECTION 2:
Any Deaf organization in the state of Michigan supporting this Association's purpose and objectives may affiliate with this Association. Any individual who is the member of affiliated organization shall have voice and vote privileges at this Association's meetings. The affiliated organization shall pay special annual dues on rate per member set forth by the convention assembly. See Article 2 in Bylaws.

SECTION 3:
Membership may be extended to families and friends of the Deaf citizens and the professionals serving that population.

SECTION 4:
Each year, graduates of any secondary educational program for the Deaf in the state of Michigan are entitled to a year's free active membership in the Association. Their membership qualifies them to attend meetings of the chapter nearest their homes. Chapters are responsible in securing the names of such graduates and awarding the membership.

ARTICLE VI - OFFICERS

SECTION 1: TITLE AND TERM

A: The officers of this Association shall be a P, 1stVice-President, **2nd Vice-President**, Secretary, Treasurer and Fund Raising Chairperson. These five~~(5)~~ (6) duly-elected officers shall serve as an executive board. -B
B: Their terms of office shall be from convention to convention. (2 years)
C: The immediate past President shall serve on the executive board for one year only.

SECTION 2: ELECTION PROCEDURE

A: The election of officers shall take place only at biennial conventions of this Association.
B: ~~No person shall be eligible to hold office in this Association until he/she has been a member in good standing and a resident of the state of Michigan for two (2) years.~~ A -C

MEMBER IS ELIGIBLE TO HOLD AN OFFICE IN THIS ASSOCIATION IF HE/SHE 1) IS A RESIDENT OF THE STATE OF MICHIGAN 2) IS GOOD STANDING, AND 3) HAS BEEN MEMBER FOR AT LEAST ONE YEAR. A FORMER MEMBER WHO WISHES TO RETURN TO ASSOCIATION AND BE ELIGIBLE TO HOLD AN OFFICE SHALL PAY CURRENT YEAR AND LAST YEAR DUES.

C: Newly-elected officers shall take oath on the same day of election. However, they shall

not take office until thirty (30) days after an election. The previous officers shall conduct this Association's business during that thirty (30) day period, but shall not initiate any new programs or projects without consulting the newly-elected officers. The newly-elected board shall be a part of any meeting or business transactions conducted by the previous board during the thirty (30) day period of transition.

SECTION 3: **VACANCY OF OFFICE**

D-

A: In the event of the death or resignation of a President, the 1ST Vice-President shall assume the presidency and appoint another person from the Board of Directors to the office of 1ST Vice- President, subject to approval of the Board of Directors.
B: In the event of the death or resignation of an officer other than the President, the President may appoint another person to fulfill the vacancy, subject to approval of the Board of Directors.
C: An officer who desires to resign from office shall submit a written resignation to the executive board and it shall be read at the next scheduled Board of Directors meeting.

E

ARTICLE VII - BOARD OF DIRECTORS

SECTION 1:

E-

This Association shall have a Board of Directors. It shall consist of ~~five (5)~~ SIX (6) duly-elected officers~~, the immediate past President~~, the Presidents of recognized chapters and affiliated organizations~~, the MDA record editor~~ APPOINTED DIRECTOR OF MISS DEAF MICHIGAN PAGEANT and appointed Members-at-Large. All members of the Board of Directors shall have equal voice and vote.
(SEE ARTICLE 5, SEC. G)

ARTICLE VIII - MEETINGS

SECTION 1:
The business of the Board of Directors shall be conducted at any time and place in the state of Michigan, whenever a duly-called meeting of its officers and directors shall be assembled. They shall meet at least two (2) times a year and a meeting before the general session during the biennial convention.

SECTION 2:
The meeting of this Association shall convene at biennial conventions during odd-numbered years.

ARTICLE IX - HOME OFFICE

SECTION 1: **AUTHORIZATION**

The Association may maintain a home office on such location and in such quarters as shall be designated by the Board of Directors. The designated location shall be remained until changed by vote of the Board of Directors.

SECTION 2: **EXECUTIVE DIRECTOR**

Applications for the office of executive director shall be screened and appointed by the Board of Directors. The executive director shall have the responsibility of maintaining the home office within the policies, guidelines and financial limits established by the Board of Directors. The executive director shall report to the Board of Directors.

ARTICLE X - AMENDMENTS

SECTION 1:
The Constitution and By-Laws of this Association may be amended only at the biennial conventions by affirmative vote of two-thirds (2/3) of the members present. Such proposed changes must be written and distributed to members sixty (60) days prior to the convention.

ARTICLE XI - DISSOLUTION

SECTION 1:
In the event this Association decides by majority vote at a duly-called convention to dissolve itself, the Association shall decide by majority vote to distribute all tangible goods and assets including ~~Restricted~~ RESERVE and special funds to any program or programs that focus on Deaf people in the state of Michigan.

BY-LAWS

ARTICLE 1 - REQUIREMENT OF MEMBERSHIP

SECTION A:
The active members of this Association are the dues- paying individuals. Life members are the individuals who purchased life membership prior to 1966.

SECTION B:
All members in good standing shall have voice and full voting privileges at all official meetings of this Association.

SECTION C:
Any member may be suspended or expelled from the rights and privileges of his/her membership if such action(s) are proven to be a detriment to this Association and its members.

1. A two-thirds (2/3) vote of the Board of Directors is sufficient cause for suspension or expulsion.
2. Such members shall have the right to appeal such decision before the membership during an assembled convention.

ARTICLE 2 - DUES AND ASSESSMENTS

SECTION A:
The Association membership dues shall be payable annually beginning January 1st in a calendar year.

1. The rate of dues shall be determined by convention assembly for as listed:

A: Individual membership.
B: Senior citizen individual membership as classified be federal government guidelines.
C. Affiliated organization membership -- special dues

SECTION B:
If dues are not paid within three (3) months after they become due, the member shall no longer be a member in good standing and not be allowed to participate in the proceedings of any meeting of this Association or his/her chapter. Upon receipt of dues to make membership current, the member will regain his/her full privileges.

SECTION C:
The payment of dues shall be made either to the Association Treasurer or chapter treasurer.

SECTION D:
Assessments may be levied on all members by resolution of the Board of Directors. Such assessments shall be made only once in any twelve (12) month period of time.

ARTICLE 3 - EXECUTIVE BOARD

SECTION A:
The executive board shall be empowered to act in emergencies, subject to approval of the Board of Directors.

SECTION B:
They shall prepare an agenda for the Board of Directors meetings and conventions.

SECTION C:
They shall vote on all minor transactions and authorize payments on bills of reasonable amounts.
SECTION D:
In the event of state or National emergency or disaster, when a regular convention cannot be held, the executive board elected at the most recent convention shall continue and oversee the affairs of this Association.

SECTION E:
All legal documents given and accepted by this Association shall be executed by the President and Secretary as such officers.

SECTION F:
Interested citizens shall be appointed as Members-at-Large by the executive board. The number of Members-at-Large shall not exceed one-third (1/3) of the number of officers, AND chapter representatives ~~and the immediate past President~~ on the board.

G-

ARTICLE 4 - DUTIES OF OFFICERS

SECTION A: PRESIDENT
President shall:

1. Preside all meetings of this Association and enforce order.
2. Enforce due observance of the Constitution and By-Laws.
3. Appoint standing and special committees.
4. Appoint the nominating committee at least six (6) months before the biennial convention.
~~5. Be one of four (4) officers authorized to co-sign checks of this Association. (Article 9; sect. A:2)~~
6. 5. Maintain liaison with the National Association of the Deaf at all times.
7. 6. Call special meetings as necessary.

H-

SECTION B: 1st VICE-PRESIDENT
1ST Vice-President shall:
1. Perform all duties of the President in his/her absence.
2. Perform other assignments that the President may delegate.
3. Advise and assist the chairperson of the local planning committee with the biennial convention program.
4. Serve as the Chairperson of the Association Law Committee.

I-

SECTION C: 2ND VICE-PRESIDENT
2ND VICE-PRESIDENT SHALL:
1. PERFORM THE DUTIES OF THE PRESIDENT IN THE ABSENCE OF THE PRESIDENT AND 1ST VICE-PRESIDENT.
2. PERFORM OTHER ASSIGNMENTS THAT THE PRESIDENT MAY DELEGATE IN HIS/HER ABSENCE.
3. SERVE AS THE EDITOR OF THE ASSOCIATION'S NEWSLETTER.

J-

K-

SECTION ~~C~~:D: SECRETARY
Secretary shall:

1. Record minutes of all official Association's and Board of Directors' meetings, and shall prepare same for publications within sixty (60) days.
2. Be responsible for all official correspondence conducted in behalf of this Association and its Board of Directors as delegated to him/her by the President and/or the Board of Directors.
3. Receive and certify all credentials of the delegates or representatives of recognized chapters and organizations.
~~4. Serve as an alternate co-signer of checks of this Association. (Article 9; sect. A:2)~~
~~5. Be custodian of the Association corporate seal, which shall be affixed to all documents to which this Association is a party.~~

L-

M-

SECTION ~~D~~: E: TREASURER
Treasurer shall:

1. Be responsible for all moneys collected and disbursed by this Association and record all accounts of receipts and expenditures.
2. Prepare quarterly up-to-date financial reports prior to each meeting of this Association and Board of Directors.
3. Sign as the principal co-signer of checks of this Association. ~~(Article 9; a:2)~~
4. Keep records of all membership dues, and issue receipts and membership cards upon receipt of dues collected and sent in by chapter Treasurers.
5. Keep an up-to-date membership list.
6. Post a bond every two (2) years, amount to be determined by the Board of Directors, including the theft indemnity clause, bond premium to be paid by this Association.
7. Maintain various funds as set up, with advice of the Board of Directors.

N-

O-

SECTION ~~E~~:F: FUND RAISING CHAIR
Fund Raising Chairperson shall:

1. Appoint a minimum of 3 members to serve on the fund raising committee.
2. Plan activities or events to raise funds.
3. Submit plan and itemized budget to the Board of Directors for approval.
4. Be responsible for the receipts and expenditures of the activities or events.
5. Shall make a financial report to the Board of Directors during the next board meeting after the completion of an activity or an event.

ARTICLE 5 - CHAPTERS

SECTION A: ESTABLISHMENT

1. The Board of Directors shall promote the establishment of Association chapters covering such areas in the state of Michigan as it may deem advisable.
2. The executive board shall provide duly-executed charters bearing the Association seal to the chapters.

SECTION B: PURPOSE

1. The purpose of chapters are to recruit more members in their respective areas for this Association.
2. The aim is to maintain interest and assist in carrying out the general objectives of this Association.

SECTION C: OBJECTIVES

Objectives of chapters are to be conducted in harmony with those of this Association. Each chapter may conduct its own affairs as it deems best. Chapters are encouraged, if circumstances permit, to donate moneys to the general fund of this Association.

SECTION D: INDEBTEDNESS

Under no circumstances shall chapters incur indebtedness in the name of this Association.

SECTION E: ELECTION OF CHAPTER OFFICERS

1. Chapters shall hold their elections at the earliest possible time after the Association convention.
2. The names and addresses of all chapter officers shall be forwarded to the Association Secretary immediately after each election.
3. If a chapter officer is elected to an office of this Association. He/she will automatically be required to give up his/her office in his/her chapter.

SECTION F: DUTIES OF CHAPTER TREASURER

The chapter treasurer shall assume full responsibility to collect dues and forward same with names and addresses to the Association Treasurer within thirty (30) days of their receipts. The membership cards will be issued by the Association Treasurer only.

SECTION G: REPRESENTATIVES TO THE BOARD OF DIRECTORS MEETINGS

1. Each chapter AND AFFLICIATED ORGANIZATION President shall automatically become a member of the Board of Directors.
2. Each chapter AND AFFLICIATED ORGANIZATION President shall attend all Board of Directors meetings. In case of absence, he/she shall appoint an alternate who is a member in good standing. A written OR VERBAL authorization for the alternate must be forwarded to the Association Secretary.

SECTION H: EXPENSES FOR BOARD OF DIRECTORS MEETINGS

Each chapter shall assume the responsibility of reimbursing expenses for transportation and meals incurred by their representatives.

ARTICLE 6 - FUNCTIONS OF BOARD OF DIRECTORS

SECTION A:
THE BOARD OF DIRECTORS SHALL:

1. Be empowered to transact all business affairs of this Association between conventions.
2. Determine per diem expenses to the executive board, law committee chairperson

and the editor during conventions from time to time.
3. Assume the responsibility of reviewing any proposals, motions, or amendments prior to convention.
4. Have the power to suspend any officer(s) for good and sufficient reason by a two-thirds (2/3) vote.
5. Have the authority to administer all funds donated to this Association.

SECTION B: REIMBURSEMENTS

1. Reasonable expenses incurred by the duly-elected officers, the immediate past President and the Members-at-Large attending board meetings shall be reimbursed by this Association.
2. The mda record editor and President's committee chairperson(s) attending on the President's request shall also be reimbursed by the Association.

ARTICLE 7 - QUORUM

SECTION A:
The number of members of the Board of Directors present shall constitute a quorum.

1. A majority vote shall decide all transactions.

SECTION B:
Members of this Association present at all conventions and officially announced general meetings shall constitute a quorum.

1.a majority vote shall decide all transactions except amendments. (see Article X.)

ARTICLE 8 - CONVENTION

SECTION A: CONVENTION BIDS

1. This Association shall accept bids from host chapters for future conventions. It shall schedule at least four (4) years in advance.
2. Host convention bids must have approval in writing from the officers of the chapter making the bid.
3. Chapters shall submit host convention bids to the Board of Directors at any time up until the general opening of the convention. The bid must be accompanied with letters of confirmation from a site.
4. The next convention site shall be determined by the Association members in assembly at convention.

SECTION B: HOST COMMITTEE

1. The bidding chapter receiving the majority vote shall be host committee for the next convention.
2. Host committee shall select its own chairperson and notify the Association President.
3. Chairperson shall appoint sub-committees to handle registration, program and banquet.
4. The host committee shall mail convention information along with hotel/motel reservation card, at least six (6) months before any convention.
5. The host committee shall work closely with the Board of Directors in the planning for convention.
6. The host committee shall submit all reports of convention and finances to the Association President within ninety (90) days after the convention, and shall become final upon the Board of Directors' approval.

SECTION C: FINANCIAL REPORT

1. The financial report shall include an itemized record of all receipts and expenditures as recorded on the last day of the convention.
2. After all expenditures are paid, convention moneys on hand shall be divided sixty (60) percent to be given to the host chapter and forty (40) percent to be given to the Association.
3. In the event of a deficit, this Association shall withdraw moneys from mda convention fund to help defray debts incurred as result of the convention. (ART. 9; Sec. C:1)

SECTION D:

Convention agenda shall be determined by the Board of Directors.

SECTION E:
Nominations for any office may be made in two (2) ways.

1. From floor.
2. By the nominating committee.

SECTION F: VOTING PROCEDURE

1. During business sessions, the voting shall be by show of hand.
2. During elections, the election of candidates shall be by written ballot.
3. Balloting shall continue until the candidate has received a majority vote.
4.a majority vote of an assembly present may transact any and all business of this Association except amendments. (see art. X)

SECTION G: VETO

The assembly may veto any decision or action of the Board of Directors.

SECTION H: N.A.D. CONVENTION DELEGATES

The Association President and Vice-President are the delegates to the National Association of the Deaf (N.A.D.) biennial regional meeting and convention. Selection of additional Association delegate(s) to NAD convention shall be made by the assembly at the Association's biennial convention.

SECTION I: SOLICITATION

No soliciting for any purpose shall be allowed at any convention without prior authorization by the Board of Directors.

ARTICLE 9 - FUNDS

P This Association shall maintain a general fund and ~~Restricted~~ RESERVE funds, as specified:

SECTION A:
General fund shall be maintained to help defray its operators expenses.

Q 1. All revenues from dues, affiliation fees, contributions, and transfer of ~~moneys~~ FUNDS from other sources shall be deposited into this Association's checking account. The checking account maximum balance shall ~~one thousand ($1,000) dollars~~. Any excess ~~moneys~~ FUNDS AS DECIDED BY THE EXECUTIVE BOARD shall be transferred to the savings account.

R 2. Any ~~three (3) of four (4) officers~~ TWO (2) OF SIX (6) DULY-ELECTED OFFICERS are required to co-sign for disbursement of moneys from the general fund. ~~as stated in By-Laws, Article 4: sections a:5, b:5, c:4 and d:3~~.

S 3. The Treasurer is authorized to spend a total of no more than ~~$50~~ $100, ~~adjusted to the annual rate of inflation,~~ each month. AMOUNTS ABOVE $100 REQUIRE APPROVAL OF THE EXECUTIVE BOARD.

4. No moneys are withdrawn from the checking or savings account for making investments before the approval of the Board of Directors. The Board of Directors must receive complete information on any investment before making decision.

T SECTION B:
~~Restricted~~ RESERVE NAD quota fund shall be maintained to help defray the annual quota assessment imposed on this Association by the National Association of the Deaf.
~~1. The money amount, determined by the Board of Directors shall be collected from each convention registrant and be deposited into this fund.~~
~~2. Surplus funds may be used to help defray the expenses incurred by the Association delegate(s) to NAD convention.~~
U THE PER-PERSON QUOTA FEE SET BY THE NATIONAL ASSOCIATION OF THE DEAF (NAD) SHALL BE COLLECTED FROM THE DUES AND BE DEOPOSITED INTO THIS FUND. THE STATE FEE SET BY NAD SHALL BE DISBURSED OUT OF THE ASSOCIATION OPERATING EXPENSE FUND.

SECTION C:

V

~~Restricted~~ RESERVE convention fund shall help to defray deficits incurred by the committee hosting the biennial conventions of this Association.

1. Only the Board of Directors shall be empowered to disburse moneys from the convention fund. This shall be based on proof of reasonable needs of the host committee.

SECTION D:

W

~~Restricted~~ RESERVE scholarship fund is established to preserve the memories of Thomas Lewis Brown and Willie Hubbard, long time and beloved teachers of Michigan school for the Deaf, and Grace Lacey, beloved friend and interpreter for the Deaf people, especially in the Detroit area.

1. The purpose of the fund is:

A. To disburse reasonable amount of scholarship fund, upon approval of the Board of Directors, annually to each legally Deaf recipient, male and female, who graduate from secondary school programs, two from Michigan school for the Deaf and two from mainstreaming settings which practice the total communications philosophy, based on academic achievements and leadership.
B. Detailed procedures and eligibility will be set forth by the Board of Directors.

2. Maintenance of fund:

X

The ~~Vice President~~ FUNDRAISING CHAIRPERSON shall assume responsibility of raising or seeking contributions to perpetuate this fund.

SECTION E:

Y

~~Restricted~~ RESERVE Ben Beaver Award Fund (COMBINATION OF MICHIGAN SCHOOL FOR THE DEAF, DON BROWN AND BEN BEAVER FUNDS) is maintained to be used for class action suits for the benefit of all Deaf people's rights.

Z

1. The MINIMUM BALANCE ~~limit~~ of this fund shall be kept ~~in range of~~ AT three-thousand ($3,000) dollars. THIS FUND SHALL EARN INTEREST. ANY AMOUNT IN EXCESS OF $3,000 MAY BE USED FOR THE PURPOSE OF THIS SECTION.
2. The responsibility for collecting contributions and disbursing moneys shall be assumed by the Board of Directors.

SECTION F: AUDIT OF FUNDS

1. The President shall appoint three (3) auditors, one from each of any three (3) Association chapters, with the approval of the Board of Directors. The Treasurer's report requires the signatures of at least two (2) out of three (3) auditors.
2. The financial status of this Association shall be audited by the two (2) auditors at least two (2) times a year.

3. The fiscal year of this Association is from January 1 to December 31.

ARTICLE 10 - COMMITTEES

All committee chairpersons shall be appointed by the President with the approval of the Board of Directors. The President shall be an ex-officio member of all committees, except of the nominating committee.

SECTION A: LAW COMMITTEE
Law Committee shall review the Constitution and By-Laws of this Association and recommend PROPOSAL FOR changes to the Board of Directors and the convention.

1. Recommendations must be presented to the Board of Directors ninety (90) days, and to members in good standing sixty (60) days prior to the convention.
2. Final decisions of revisions are made at the convention.

AA

~~3. Only the Law Committee chairperson shall be reimbursed for duration of convention.~~
3. THE 1ST VICE-PRESIDENT SHALL BE THE CHAIRPERSONOF THE CONSITUTION AND BY-LAWS COMMITTEE.

SECTION B: WAYS & MEANS COMMITTEE
Ways & Means Committee shall provide overall financial statements and recommendations for improvement or growth, to the Board of Directors at the biennial convention.

1. This committee shall review the income, expenditures and programs financed by this Association, and submit a proposed two-year budget to be put into effect on January 1st. This proposed budget shall be subject to the approval of the Board of Directors.
2. The approved budget will be put into effect beginning January 1 after each biennial convention.

SECTION C: RESOLUTION COMMITTEE
Resolution Committee shall prepare resolutions, policy statements or plans of action to be followed up by the Board of Directors.

SECTION D: NECROLOGY COMMITTEE

Necrology Committee shall prepare a list of members who have passed away between conventions.

SECTION E: NOMINATING COMMITTEE
Nominating Committee shall ask for nominations for state officers, and prepare a slate for the election process. (see ART. 4; SEC. A:4)

SECTION F: AWARD COMMITTEE
Awards Committee shall determine individual awards for outstanding deeds or donations of time and money for the benefit of Deaf people or this Association.

1. Suggested awards listed:

President's Award
Volunteer of the Year
Employer of the Year
Interpreter of the Year
Ben Beaver Leadership Award
Special Awards

AB

~~SECTION G: SPECIAL COMMITTEES~~

~~1. Miss Deaf Michigan Pageant~~
~~2. Liaison with Lions Club~~
~~3. Annual state picnic (responsibility of all chapters)~~

ARTICLE 11 - AFFILIATIONS

SECTION A:
Except for Deaf organization in Article v of the Constitution, any other agency or organization, incorporated or not, may affiliate with this Association by signing an article of affiliation, going on record as being wholehearted willing to cooperate in the work of this Association in advancing its purposes.

SECTION B:

AC

Each agency or organization shall pay an annual affiliation fee of ~~twenty ($20.00)~~ FIFTY ($50.00) dollars to this Association. The fee shall be deposited into the general fund.

AD

~~SECTION C:~~
~~Representatives of affiliates may have voice at this Association's meetings, but shall have no vote.~~

AE

SECTION ~~D~~ C:
Each agency or organization, upon annual payment of an affiliation fee, shall be entitled to any current information and newsletters.

ARTICLE 12 - OFFICIAL PUBLICATION

SECTION A:
This Association shall publish a newsletter, **THE MDA RECORD**, at least four (4) times a year. It shall include minutes of the Board of Directors meetings.

SECTION B:

The purpose is to keep the members and affiliated organizations up to date by distributing information and news about the activities of this Association.

AF

SECTION C:
~~The editor of the mda record shall be appointed by the executive board, with approval of the Board of Directors.~~ The editor (2ND VICE-PRESIDENT) shall be reimbursed for expenses incurred in publishing of ~~mda record~~ THE MDA RECORD by this

Association. ~~the fee to be determined by the Board of Directors.~~

SECTION D:
All newsletters shall be mailed to those listed on the official membership list. Other individuals or organizations may subscribe to the mda record, at a fee determined by the Board of Directors.

ARTICLE 13 - PARLIAMENTARY AUTHORITY

Robert's Rules of Order, revised, shall be the parliamentary authority on all matters not covered by the Constitution and By-Laws of this Association.

DATES OF AMENDMENTS

1985	Kalamazoo
1993	Flint
1995	Troy

1999 - MT Pleasant

OATH OF OFFICERS -- "I hereby promise to observe and uphold the Constitution and By-Laws of the Michigan Deaf Association, Inc. To protect the rights of Deaf Citizens. I will at all times discharge the duties of my office to the best of my ability. So help me God." [This is not a part of the Constitution and Bylaws. It was added as a guide for a person who leads the oath. (9/29/1995)]

NOTES:

STATE OF MICHIGAN
BUREAU OF STATE LOTTERY
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

GARY C. PETERS
COMMISSIONER

LOCAL CIVIC ORGANIZATION QUALIFICATION INFORMATION

Please allow at least 4 weeks for the qualification process.

If the organization has never submitted qualifying information as a local civic organization, the following information shall be submitted prior to being approved to conduct a bingo, millionaire party, raffle, charity game, or ~~numeral game.~~

1. A signed and dated copy of the organization's current bylaws or constitution.
2. ~~A complete copy of the organization's Articles of Incorporation that have been filed with the Corporations and Securities Bureau, if the organization is incorporated.~~
3. A copy of the letter from the IRS stating the organization is exempt from federal tax under IRS code 501(c)3

   OR

   copies of one bank statement per year for the previous five years, excluding the current year.
4. A provision in the bylaws, constitution, or Articles of Incorporation that states should the organization dissolve, all assets, and real and personal property will revert:

   A. If exempt under 501(c)3, to another 501(c)3 organization.

   B. If not exempt under 501(c)3, to the local government.
5. A receipt and expenditure statement for the last two years. If expenditures were made to individuals, explain the nature of these expenditures.
6. A copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit organization in the community (sample format attached).
7. A provision in the bylaws, constitution, or Articles of Incorporation indicating the organization will remain nonprofit forever.

Additional information may be requested after the initial documents submitted have been reviewed. If you have any questions or need further assistance, please call our office at (517) 335-1159.

Act 382 of the Public Acts of 1972, as amended, defines a local civic organization as an organization "not for pecuniary profit and not affiliated with a state or national organization, which is recognized by resolution adopted by the city in which the organization conducts its principal activities, whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization whose entire assets are pledged to charitable purposes, and whose constitution, charter, articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property shall revert to the benefit of the city government upon dissolution of the organization."

+ also what you need this for - Bingo?

BSL-CG-1453(R5/03)

Raffle

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Gail A. Kundinger, City Clerk

RE: Annual Taxicab License Renewal - Port City Cab Company & Yellow Cab Company

---

SUMMARY OF REQUEST: This request is from Thomas Wakefeld and Steve Barnum of Wakefield Leasing, whose office is located at 770 W. Sherman Blvd., Muskegon, MI. They are requesting approval of a license to operate 11 taxicabs for both Port City Cab Company and Yellow Cab Company. The Muskegon Police Department has inspected the taxicabs and approves this request.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of 11 taxicabs.

APPLICATION FOR TAXICAB OPERATOR
in the
CITY OF MUSKEGON, MICHIGAN

Name of Company (d,b,a.) Port City Cab & Yellow Cab

Address of Office 770 W Sherman

Name & Residence of each person interested in or connected with the above, individual, firm or corporation. Tom Wakefield Age 58

Age

Age

Age

Age

Present Business of each person connected with the above application. Taxi Svc

Give experience of applicant in taxicab business in this City or elsewhere. 40 Yrs

Number of cabs applicant proposes to use 10

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

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

Name of insurance company with which applicant is insured and amount of coverage. American Casualty ins

Name of local agent or representative. Adma Hirsch 517-371-2300

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

State liens, mortgages or other encumbrances including conditional sales contracts on such taxicabs. NO

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

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

Signature Thomas Wakefield

Subscribed and sworn to before me a Notary Public in and for Muskegon County, Michigan, this 15 day of March, ~~19~~ 2004

My commission expires 5-13-05

JoAnn Krukowski
Notary Public

Application Approved

Chief of Police

paid 25⁰⁰ for 1 car 4-9-04

APPLICATION FOR TAXICAB OPERATOR
in the
CITY OF MUSKEGON, MICHIGAN

Name of Company (d,b,a.) Steve Barnum

Address of Office 13303 Bailey Rd Bailey Mich 49303

Name & Residence of each person interested in or connected with the above, individual, firm or corporation. ______ Age______
______ Age______
______ Age______
______ Age______
______ Age______

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

Give experience of applicant in taxicab business in this City or elsewhere. 19 years

Number of cabs applicant proposes to use 1

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

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

Name of insurance company with which applicant is insured and amount of coverage. American Country

Name of local agent or representative. Mauren Foster

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

State liens, mortgages or other encumbrances including conditional sales contracts on such taxicabs. no

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

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

Signature Steve Barnum

Subscribed and sworn to before me a Notary Public in and for Muskegon County, Michigan, this 9th day of April, ~~19~~ 2004.

My commission expires 9-25-06

Linda Potter
Notary Public

Application Approved

______
Chief of Police

Security enhanced document. See back for details.

25144

WAKEFIELD LEASING CORP. 11-78
770 W. SHERMAN BLVD.
MUSKEGON, MI 49441

DATE 2-12-04

9-9/720
447

PAY TO THE ORDER OF City of Muskegon $ 275.00.

Two Hundred Seventy Five ———— DOLLARS

Security features are included. Details on back.

Comerica

Comerica Bank
Muskegon, Michigan

FOR New Yr. 05

Thomas Wakefield

MP

⑈025144⑈ ⑆072000096⑆ 1840363160⑈

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR KW
CF-WAKE

DATE (MM/DD/YYYY) 02/25/04

PRODUCER

Hirsch Branch
615 N Capitol Ave
Lansing MI 48933
Phone:517-371-2300 Fax:517-371-5059

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

Wakefield Leasing Corp.
DBA Port City Cab Company
770 W. Sherman
Muskegon MI 49441

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: American Casualty Insurance	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY				EACH OCCURRENCE	$
		COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurence)	$
		CLAIMS MADE / OCCUR				MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
		GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC				PRODUCTS - COMP/OP AGG	$
A		AUTOMOBILE LIABILITY	250362940	03/01/04	03/01/05	COMBINED SINGLE LIMIT (Ea accident)	$
		ANY AUTO					
		ALL OWNED AUTOS				BODILY INJURY (Per person)	$ 100,000
		X SCHEDULED AUTOS					
		HIRED AUTOS				BODILY INJURY (Per accident)	$ 300,000
		NON-OWNED AUTOS					
						PROPERTY DAMAGE (Per accident)	$ 100,000
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	$
		OCCUR / CLAIMS MADE				AGGREGATE	$
							$
		DEDUCTIBLE					$
		RETENTION $					$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS / OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER					

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

SEE ATTACHED VEHICLE SCHEDULE

CERTIFICATE HOLDER

MUSK003

City of Muskegon
Fax #231-724-4178
PO Box 536
933 Terrace St.
Muskegon, MI 49443

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATI DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTE NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHAI IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Adam Hirsch

SUMMARY OF INSURANCE

Prepared: 02/25/04

For: Wakefield Leasing Corp.
DBA Port City Cab Company
770 W. Sherman
Muskegon, MI
49441 616-243-2150

MOURER-FOSTER, INC.
615 N. CAPITOL AVE.
LANSING,, MI
48933 517-371-2300

Business Auto Vehicle Schedule

Policy No. 250362940

Co #	Year	Make	Model	Vehicle Identification No	Garage Location	Class	Cost New	Liab	Med Pay	UM	Comp	Coll	Stated Amt
1	1995	Honda		JHMRA1878SC007452				X					
2	1996	Isuzu		JR2RJ1842TC002671				X					
3	1996	Ford	Crown Vic	2FALP71W9TX134568				X					
4	1996	Ford	Crown Vic	2FALP71W9TX136143				X					
5	1998	Ford		2FAFP71W5WX147531				X					
6	1997	Ford	Crown Vic	2FALP71W7VX170312				X					
7	1996	Jeep		1J4FJ6857TL147266				X					
8	1995	Honda		JHMRA1843SC001208				X					
9	1999	Ford		2FAFP71W0XX181104				X					
10	1995	Ford	Crown Vic	2FALP71W1SX184671				X					
11	1996	Ford		2FALP71W4TX134574				X					
12	1997	Ford	Crown Vic	2FALP71W0VX113689				X					
13	1996	Ford		2FALP71W5TX134549				X					
14	1997	Isuzu		JR2RJ1867VC001312				X					
15	1995	Honda		JHMRA1876SC011581				X					
16	1996	Ford		2FALP71W0TX134586				X					
17	1995	Honda		JHMRA18785C009542				X					
18	1997	Honda		JHMRA1869VC015507				X					
19	2000	Ford		2FAFP71WXYX185173				X					
20	1998	Ford		2FAFP71W6WX157453				X					
21	1998	Ford		2FAFP71W9WX147385				X					
22	1996	Ford	Crown Vic	2FALP71W2TX136128				X					

CAB # 33

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	YELLOW CAB CO
CAB #	33
MAKE	HONDA
BODY STYLE	VAN
YEAR	1997
VIN #	JHMRA1869VC015507
STATE LICENSE #	5902 CY
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 16

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	PORT CITY CAB
CAB #	16
MAKE	FORD
BODY STYLE	4D
YEAR	1997
VIN #	2FALP71W0VX113689
STATE LICENSE #	25 CMG
SEATING CAPACITY	6
WEIGHT	5362

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 34

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	YELLOW CAB CO.
CAB #	34
MAKE	HONDA
BODY STYLE	VAN
YEAR	1995
VIN #	JHMRA1878 5C009542
STATE LICENSE #	6814 HL
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by ____________

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 31

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	YELLOW CAB CO.
CAB #	31
MAKE	ISUZU
BODY STYLE	VAN
YEAR	1996
VIN #	JR2RJ1842TC002671
STATE LICENSE #	6846 HL
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 18

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	PORT CITY CAB
CAB #	18
MAKE	ISUZU
BODY STYLE	VAN
YEAR	1997
VIN #	JR2RJ1867VC001312
STATE LICENSE #	6812 HL
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by ____________

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 10

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	PORT CITY CAB
CAB #	10
MAKE	FORD
BODY STYLE	4D
YEAR	1996
VIN #	2FALP71W5TX134549
STATE LICENSE #	9177 EH
SEATING CAPACITY	6
WEIGHT	5362

Inspected & Approved by

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 30

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	YELLOW CAB CO.
CAB #	30
MAKE	JEEP
BODY STYLE	STA-WGN
YEAR	1996
VIN #	1J4FJ68S7TL147266
STATE LICENSE #	5145 DZ
SEATING CAPACITY	6
WEIGHT	4900

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 35

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 **to APRIL 30,** 2005

OPERATOR:	YELLOW CAB CO.
CAB #	35
MAKE	HONDA
BODY STYLE	VAN
YEAR	1995
VIN #	JHMRA1843SC001208
STATE LICENSE #	7336 DH
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 32

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 **to APRIL 30,** 2005

OPERATOR:	YELLOW CAB CO.
CAB #	32
MAKE	HONDA
BODY STYLE	VAN
YEAR	1995
VIN #	JHMRA1876SC011581
STATE LICENSE #	5200 CY
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by _______________

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 12

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	PORT CITY CAB
CAB #	12
MAKE	HONDA
BODY STYLE	VAN
YEAR	1995
VIN #	JHMRA1878SC007452
STATE LICENSE #	5337 CD
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

CAB # 44

TAXI CAB INVENTORY CONTROL

LICENSE YEAR: MAY 1, 2004 to APRIL 30, 2005

OPERATOR:	PORT CITY CAB
CAB #	44
MAKE	ISUZU
BODY STYLE	VAN
YEAR	1997
VIN #	JR2RJ1867VC001407
STATE LICENSE #	8843 JP
SEATING CAPACITY	6
WEIGHT	4740

Inspected & Approved by [signature]

Date of Approval 4-9-04

Required under Section 102-58 (2) of Code of Ordinances - City of Muskegon

Date: April 13, 2004

To: Honorable Mayor and City Commissioners

From: Ric Scott

RE: Lighthouse Acre Deed

SUMMARY OF REQUEST:

To authorize the Mayor to sign the quitclaim deed for Lighthouse Acre

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board recommends approval

Date: April 13, 2004

To: Honorable Mayor and City Commissioners

From: Ric Scott

Re: Lighthouse Acre Deed

Attached is a quitclaim deed for Lighthouse Acre from the Department of Health & Human Services. I would ask that you authorize the Mayor to sign the deed and have the Clerk register the deed.

The deed is given to the city for health purposes. Because of the lift station on the property, they can't give us the property as parkland through the Park Service. So this is the governments way of giving us the property for us to use as a park. We do have the responsibility to maintain the property for 30 years and must submit an annual report on the maintenance of the park.

I would ask that you accept the deed. The neighborhood association is currently maintaining the park.

Thank you for your consideration.

5100870
L-3600 P-572
04/30/2004 09:13A
Page: 1 of 9
Mark Fairchild, Muskegon Co ROD D02

Contract No. 01-MI-2260

QUITCLAIM DEED

THIS INDENTURE, made this 8th day of April, 2004, between the United States of America, acting through the Secretary of Health and Human Services, by the Director, Division of Property Management, Program Support Center, U.S. Department of Health and Human Services (hereinafter referred to as "Grantor"), under and pursuant to the power and authority delegated by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 484(k)), as amended (hereinafter referred to as "the Act"), and regulations promulgated pursuant thereto at 45 C.F.R. Part 12, and the City of Muskegon (hereinafter referred to as "Grantee").

WITNESSETH

WHEREAS, by letter dated March 31, 2004, from the General Services Administration, certain surplus property consisting of 1.0 acres of land more or less, hereinafter described (hereinafter referred to as "the Property"), was assigned to the Department of Health and Human Services for disposal upon the recommendation of the Grantor that the Property is needed for public health purposes in accordance with the provisions of the Act; and

WHEREAS, said Grantee has made a firm offer to purchase the Property under the provisions of the Act, has made application for a public benefit allowance, and proposes to use the Property in accordance with the approved program of utilization; and

WHEREAS, Grantor has accepted the offer of Grantee,

NOW, THEREFORE, Grantor, for and in consideration of the foregoing and of the observance and performance by Grantee of the covenants, considerations and restrictions hereinafter contained and other good and valuable consideration, the receipt of which is hereby acknowledged, has remised, released and quitclaimed and by these presents does remise, release and quitclaim to Grantee, its successors and assigns, all right, title, interest, claim and demand, excepting and reserving such rights as may arise from the operation of the conditions subsequent hereinafter expressed, which the United States of America has in and to the Property, situate, lying, and being in the County of Muskegon, State of Michigan, and more particularly described as follows:

> Description of a Portion of Lot No. 753 of ractional Section 28 in Town 10 North, Range 17 West, within Pere Marquette Park, Muskegon, Michigan, As Shown on the Official Tax Map of the City of Muskegon.
>
> One Square acre of land: the entire front bordering on Muskegon River and running back the same distance and being the acre selected by Henry B. Miller, Superintendent and Inspector Light on the Northern Western Lakes, embracing the

Light House site and may be more particularly known hereafter by having the Light House Building near the center which is proposed to be erected forthwith.

SUBJECT to any and all other existing easements, encumbrances, covenants, restrictions, reservations or conditions affecting the above described property whether or not the same appear on record.

The Grantee shall comply with all applicable Federal, State, municipal, and local laws, rules, orders, ordinances, and regulations in the occupation, use, and operation of the Property.

TO HAVE AND TO HOLD the Property subject, however, to each of the following conditions subsequent, which shall be binding upon and enforceable against Grantee, its successors and assigns, as follows:

1. That for a period of thirty (30) years from the date hereof the Property herein conveyed will be used continuously for health purposes in accordance with Grantee's approved program of utilization as set forth in its application dated the September 24, 2003 and amended on October 6, 2003, and for no other purpose;

2. That during the aforesaid period of thirty (30) years Grantee will not resell, lease, mortgage, or encumber or otherwise dispose of any part of the Property or interest therein except as Grantor or its successor in function may authorize in writing;

3. Where construction or major renovation is not required or proposed, the Property must be placed into use within twelve (12) months from the date of this Deed. Where construction or major renovation is contemplated at the time of transfer, the Property must be placed into use within thirty-six (36) months from the date of this Deed.

4. That one year from the date hereof and annually thereafter for the aforesaid period of thirty (30) years, unless Grantor or its successor in function directs otherwise, Grantee will file with Grantor or its successor in function reports on the operation and maintenance of the Property and will furnish, as requested, such other pertinent data evidencing continuous use of the Property for the purposes specified in the above-identified application.

5. That during the aforesaid period of thirty (30) years Grantee will at all times be and remain a tax-supported organization or a nonprofit institution, organization, or association exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

6. That, for the period during which the Property is used for the purpose for which the Federal assistance is hereby extended by Grantor or for another purpose involving the provision of similar services or benefits, Grantee hereby agrees that it will comply with the requirements of section 606 of the Act (40 U.S.C. § 476); the Fair Housing Act (42 U.S.C. § 3601-19) and implementing regulations; and, as applicable, Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations; Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and implementing regulations; the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07) and implementing regulations; the prohibitions against otherwise qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations, and all requirements imposed by or pursuant to the regulations of Grantor (45 C.F.R. Parts 12, 80, 84, 86 and 91) issued pursuant to said Acts and now in effect, to the end that, in accordance with said Acts and regulations, no person in the United States shall, on the ground of race, color, national origin, sex, age, or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program and plan referred to in condition numbered 1 above or under any other program or activity of Grantee, its successors or assigns, to which said Acts and regulations apply by reason of this conveyance.

In the event of a breach of any of the conditions subsequent set forth above, whether caused by the legal or other inability of Grantee, its successors and assigns, to perform any of the obligations herein set forth, Grantor or its successor in function will, at its option, have an immediate right of reentry thereon, and to cause all right, title, and interest in and to the Property to revert to the United States of America, and Grantee, its successors and assigns, shall forfeit all right, title, and interest in and to the Property and to any and all of the tenements, hereditaments, and appurtenances thereunto belonging;

PROVIDED, HOWEVER, that the failure of Grantor or its successor in function to insist in any one or more instance upon complete performance of any of the said conditions subsequent shall not be construed as a waiver of or a relinquishment of the future performance of any of said conditions subsequent, but the obligations of Grantee with respect to such future performance shall continue in full force and effect;

PROVIDED FURTHER, that, in the event Grantor or its successor in function fails to exercise its option to reenter the premises and to revert title thereto for any such breach of conditions numbered 1, 2, 3, 4, or 5 herein within thirty-one (31) years from the date of this conveyance, conditions numbered 1, 2, 3, 4, and 5 herein, together with all rights to reenter and revert title for breach of condition, will, as of that date, terminate and be extinguished; and

PROVIDED FURTHER, that the expiration of conditions numbered 1, 2, 3, 4, and 5 and the right to reenter and revert title for breach thereof, will not affect the obligation of Grantee, its successors and assigns, with respect to condition numbered 6 herein or the right reserved to Grantor, or its successor in function, to reenter and revert title for breach of condition numbered 6.

Grantee may secure abrogation of the conditions subsequent numbered 1, 2, 3, 4, and 5 herein by:

a. Obtaining the consent of Grantor, or its successor in function, therefor; and

b. Payment to the United States of America of 1/360th of the percentage public benefit allowance granted of the fair market value as of the date of such requested abrogation, exclusive of the value of improvements made by Grantee to the extent that they add to the value of that portion of the Property to be released, for each month of the period to be abrogated.

Grantee, by acceptance of this Deed, covenants and agrees for itself, its successors and assigns, with respect to the Property or any part thereof--which covenant shall attach to and run with the land for so long as the Property is used for a purpose for which Federal assistance is hereby extended by Grantor or for another purpose involving the provision of similar services or benefits, and which covenant shall in any event, and without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity, for the benefit of and in favor of and enforceable by Grantor or its successor in function against Grantee, its successors and assigns for the Property, or any part thereof--that it will comply with the requirements of section 606 of the Act (40 U.S.C. § 476); the Fair Housing Act (42 U.S.C. § 3601-19) and implementing regulations; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations; the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07) and implementing regulations; and the prohibitions against otherwise

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Page: 4 of 9
Mark Fairchild, Muskegon Co ROD D02

qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations; and all requirements imposed by or pursuant to the regulations of Grantor (45 C.F.R. Parts 12, 80, 84, 86, and 91) issued pursuant to said acts and now in effect, to the end that, in accordance with said acts and regulations, no person in the United States shall, on the ground of race, color, national origin, sex, age, or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program and plan referred to in condition numbered 1 above or under any other program or activity of Grantee, its successors or assigns, to which such acts and regulations apply by reason of this conveyance.

Grantee covenants and agrees that the Property will be used for secular purposes, with no more than a de minimis level of other activity.

Grantee, by acceptance of this deed, covenants and agrees for itself, its successors and assigns, that in the event Grantor exercises its option to revert all right, title, and interest in and to the Property to Grantor, or Grantee voluntarily returns title to the Property in lieu of a reverter, then Grantee shall provide protection to and maintenance of the Property at all times until such time as the title is actually reverted or returned to and accepted by Grantor. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the General Services Administration and codified in the Federal Property Management Regulations at 41 C.F.R. Subpart 101-47.4913 now in effect, a copy of which is attached to Grantee's aforementioned application.

In the event title to the Property or any part thereof is reverted to the United States of America for noncompliance or is voluntarily reconveyed in lieu of reverter, Grantee, its successors or assigns, at the option of Grantor, or its successor in function, shall be responsible for and shall be required to reimburse the United States of America for the decreased value thereof that is not the result of reasonable wear and tear, an act of God, or alterations and conversions made by Grantee, its successors or assigns, to adapt the property to the health use for which the property was transferred. The United States of America shall, in addition thereto, be reimbursed for such damage, including such costs as may be incurred in recovering title to or possession of the above-described property, as it may sustain as a result of such noncompliance.

Grantee, by acceptance of this deed, further covenants and agrees for itself, its successors and assigns, that in the event the Property or any part thereof is, at any time within the period of thirty (30) years from the date of this conveyance, sold, leased, disposed of, or used for purposes other than those designated in condition numbered 1 above without the consent of Grantor, or its successor in function, all revenues therefrom or the reasonable value, as determined by Grantor, or its successor in function, of benefits to Grantee, deriving directly or indirectly from such sale, lease, disposal, or use, shall be considered to have been received and held in trust by Grantee for the United States of America and shall be subject to the direction and control of Grantor, or its successor in function; but the provisions of this paragraph shall not impair or affect the rights reserved to Grantor under any other provision of this Deed.

Grantee, by acceptance of this deed, covenants and agrees for itself, its successors and assigns, that the Property is transferred on an "as is, where is," basis, without warranty of any kind, either expressed or implied, including as to the condition of the Property. Grantee also covenants and agrees for itself, its successors and assigns, that Grantor has no obligation to provide any additions, improvements, or alterations to the Property.

NOTICE & COVENANT REGARDING HAZARDOUS SUBSTANCE ACTIVITY

Notice of Hazardous Substance Activity. Pursuant to 40 CFR 373.2 and Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 U.S.C. §9620(h)(3)(A)(i)), and based upon a complete search of agency files, the United States gives notice that no hazardous substances have been released or disposed of or stored for one year or more on the Property.

CERCLA Covenant. The United States of America warrants that all remedial action necessary to protect human health and the environment has been taken before the date of this conveyance. The United States of America warrants that it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the Property on the date of this conveyance.

(1) This covenant shall not apply: (a) in any case in which Grantee, its successors or assigns, or any successor in interest to the Property or part thereof is a Potentially Responsible Party (PRP) with respect to the Property immediately prior to the date of this conveyance; OR (b) to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the Grantee, its successors or assigns, or any party in possession after the date of this conveyance that either: (i) results in a release or threatened release of a hazardous substance that was not located on the Property on the date of this conveyance; or, (ii) causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the applicable regulatory authority as of the date of this conveyance.

(2) In the event Grantee, its successors or assigns, seeks to have the United States of America conduct any additional response action, and, as a condition precedent to the United States of America incurring any additional cleanup obligation or related expenses, the Grantee, its successors or assigns, shall provide the United States of America at least 45 days written notice of such a claim. In order for the 45-day period to commence, such notice must include credible evidence that: (a) the associated contamination existed prior to the date of this conveyance; and (b) the need to conduct any additional response action or part thereof was not the result of

any act or failure to act by the Grantee, its successors or assigns, or any party in possession.

Reservation of Right of Access. The United States of America reserves a right of access to all portions of the Property for environmental investigation, remediation or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to the United States of America. These rights shall be exercisable in any case in which a remedial action, response action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, response action, or corrective action on adjoining property. Pursuant to this reservation, the United States of America, and its respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the Property and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities, responses or remedial actions, shall be coordinated with record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed as of the day and year first above written.

UNITED STATES OF AMERICA
Acting through the Secretary of Health and Human Services

By:____________________
Heather M. Ransom, Director
Division of Property Management
Program Support Center

ACKNOWLEDGMENT

STATE OF MARYLAND)
COUNTY OF MONTGOMERY) SS

On this 8th day of April 2004, before me the undersigned officer, personally appeared Heather M. Ransom, known to me to be the Director, Division of Property Management, Department of Health and Human Services, and known to me to be the person who executed the foregoing instrument on behalf of the Secretary of Health and Human Services, for the United States of America, and acknowledged to me that she subscribed to the said instrument in the name of the Secretary of Health and Human Services and on behalf of the United States of America.

Witness my hand and official seal.

(SEAL)

Shirley A. Kramer

Notary Public

My commission expires: 10/11/2004

ACCEPTANCE

The City of Muskegon hereby accepts this deed and thereby agrees to all the terms, covenants, conditions and restrictions contained therein.

By: ______________________
Stephen J. Warmington, Mayor

ACKNOWLEDGMENT

STATE OF MICHIGAN)
COUNTY OF MUSKEGON) SS

On this 27th day of April, 2004, before me, a Notary Public in and for the City of Muskegon, County of Muskegon, State of Michigan, personally appeared, Stephen J. Warmington, the Mayor of the City of Muskegon, a municipal corporation, on behalf of the City.

Linda S. Potter
Notary Public

My Commission expires 9-25-06

LINDA S. POTTER - NOTARY PUBLIC
County of Muskegon
State of Michigan
My Commission Expires September 25, 06

Prepared by & Return to:
City of Muskegon
933 Terrace
Muskegon, MI 49440

ACCEPTANCE

The City of Muskegon hereby accepts this deed and thereby agrees to all the terms, covenants, conditions and restrictions contained therein.

By [signature]

ACKNOWLEDGMENT

STATE OF MICHIGAN)
COUNTY OF MUSKEGON) SS

On this 30th day of April , 2004, before me, a Notary Public in and for the City of Muskegon, County of Muskegon, State of Michigan, personally appeared, Ric Scott, known to me to be the Director of Leisure Services, City of Muskegon, and known to me to be the person who executed the foregoing instrument on behalf of the City of Muskegon, and acknowledged to me that he executed the same as the free act and deed of the Board.

Witness my hand and official seal.

(SEAL)

Linda S. Potter
Notary Public Linda S. Potter

My commission expires 9-25-06

CERTIFICATION OF RECORDATION

I, Linda S. Potter, Deputy Clerk for the City of Muskegon, did record the attached Quitclaim Deed (Contract No. 01-MI-2260) at the Muskegon County Register of Deeds Office on Friday, April 30, 2004.

This has been recorded in Book 3600, Page 572, of the Official Records of Muskegon County.

Linda S. Potter

Linda S. Potter, CMC
Deputy City Clerk

04/30/2004 09:13A

RECEIPT # 53024

MARK F. FAIRCHILD, Register of Deeds
Michael E. Kobza, Hall of Justice
Muskegon County, Michigan

FROM : CITY OF MUSKEGON
BY : ROD1

FILE NO.: 5100870 # Pgs: 9
BOOK/PAGE: 3600/572
09:13A
DOC.: (D02) QUIT CLAIM DEED 38.00

TOTAL RECORDING FEE ------> 38.00

AMOUNT (Cash) RECEIVED ----> 38.00

CHANGE ---------> 0.00

*** RECEIPT ***

CERTIFICATION OF RECORDATION

I, ____, of the Office of the County Recorder of the County of ____________________________, State of _________________, did receive on the __________ day of _______________, 20______, for filing and recordation, the following instrument:

I further certify that the same has been recorded in Book _____________, at Page _______, of the Official Records of the said County.

____
(Signature)

____
(Title)

Commission Meeting Date: April 27, 2004

Date: **April 13, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development**

RE: **Sale of Marginal Lot at 1095 James Avenue**

SUMMARY OF REQUEST:

To approve the sale of a vacant marginal lot (Parcel #24-612-000-0528-00) at 1095 James Avenue to Perry Dennie, of 539 Bennett Street, Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard (see attached map). The other adjacent property owner was offered a portion of this lot, but didn't respond. This lot is being offered to Mr. Dennie for $1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended approval of this request at their March 23, 2004 meeting.

CITY OF MUSKEGON

RESOLUTION #2004- 40(f)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED MARGINAL LOT

WHEREAS, the City of Muskegon has received $1 from Perry Dennie, 539 Bennett Street, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to his property at 1095 James Avenue (parcel #24-612-000-0528-00); and

WHEREAS, this lot is considered only marginally buildable under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Dollar Lot Marketing Plan for the City of Muskegon.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON URBAN RENEWAL PLAT NO 3 LOT 528 be sold to Perry Dennie for $1.

Resolution adopted this 27th day of April, 2004.

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

Absent: None

By: [signature]
Stephen J. Warmington
Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC
Clerk

CERTIFICATION

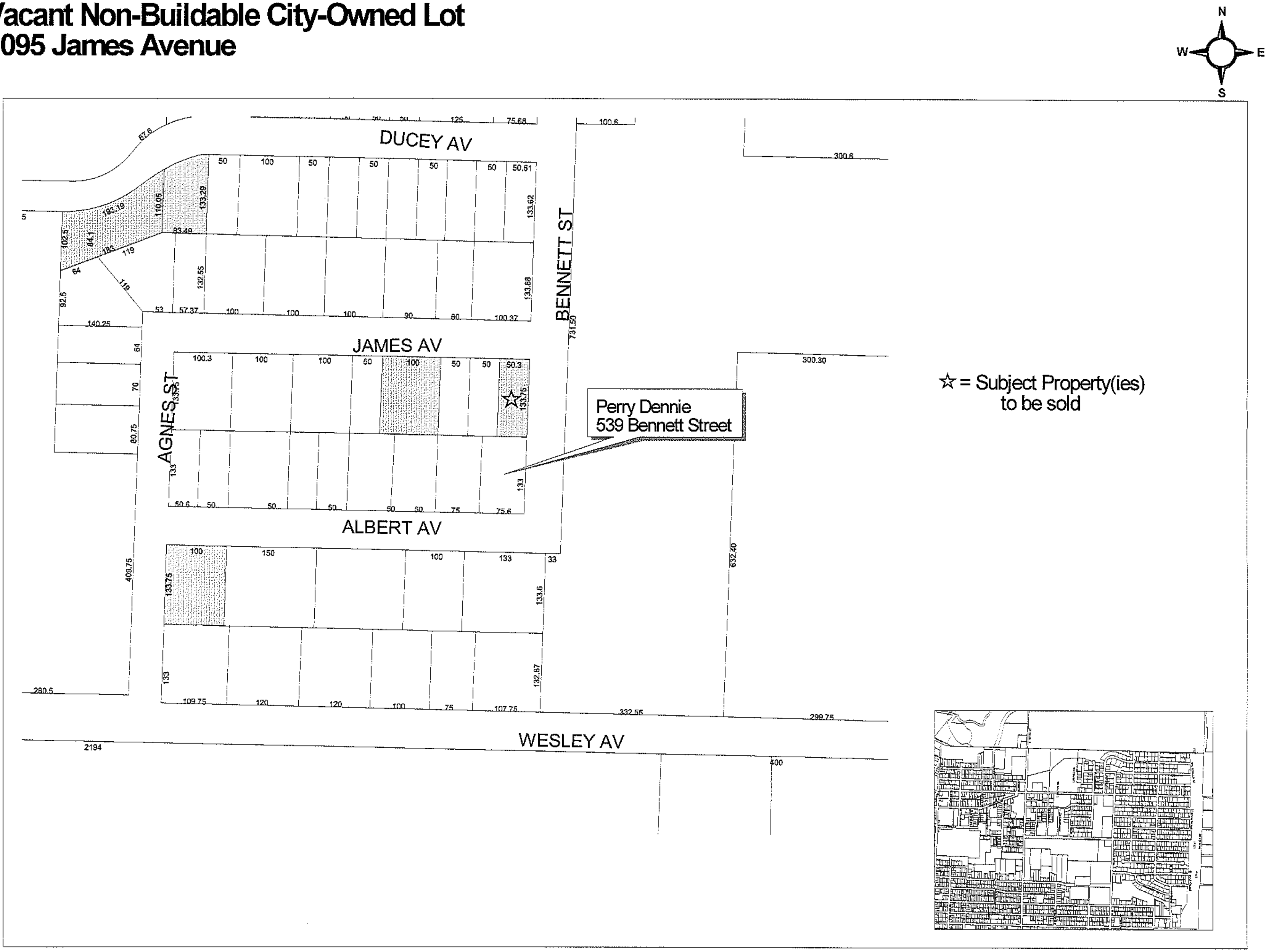
This resolution was adopted at a regular meeting of the City Commission, held on April 27, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot
1095 James Avenue



<u>QUIT-CLAIM DEED</u>

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **PERRY DENNIE**, a single man, of 539 Bennett Street, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 3, Lot 528

for the sum of: One Dollar ($1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 29th day of April, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 29, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

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Commission Meeting Date: April 27, 2004

Date:	**April 16, 2004**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** cbc
RE:	**Sale of Non-Buildable Lots at 443 & 453 Catherine Avenue**

SUMMARY OF REQUEST:

To approve the sale of two vacant non-buildable lots (Parcel #24-205-079-0002-10 and #24-205-079-0003-10) at 443 and 453 Catherine Avenue to William Simonitis, of 449 Catherine Avenue, Muskegon, MI. Approval of this sale will allow the Mr. Simonitis to expand his current yard. (see attached map). This lots are being offered to Mr. Simonitis for $1 each under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

The sale of these lots will allow the properties to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004- 40(h)

RESOLUTION APPROVING THE SALE OF 2 CITY-OWNED NON-BUILDABLE LOTS

WHEREAS, the City of Muskegon has received $2 from William Simonitis, 449 Catherine Avenue, Muskegon, MI 49442 for the purchase of 2 vacant, City-owned lots located adjacent to his property at 443 & 453 Catherine Avenue (parcel #24-205-079-0003-10 and #24-205-079-0002-10); and

WHEREAS, these lots are considered unbuildable under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place these properties back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of these properties would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 3 EX W 35 FT BLK 79 and CITY OF MUSKEGON REVISED PLAT OF 1903 E ½ LOT 2 BLK 79 be sold to William R. Simonitis for $1 each.

Resolution adopted this 27th day of April, 2004.

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

Absent: None

By: ______________________

Stephen J. Warmington
Mayor

Attest: Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

CERTIFICATION

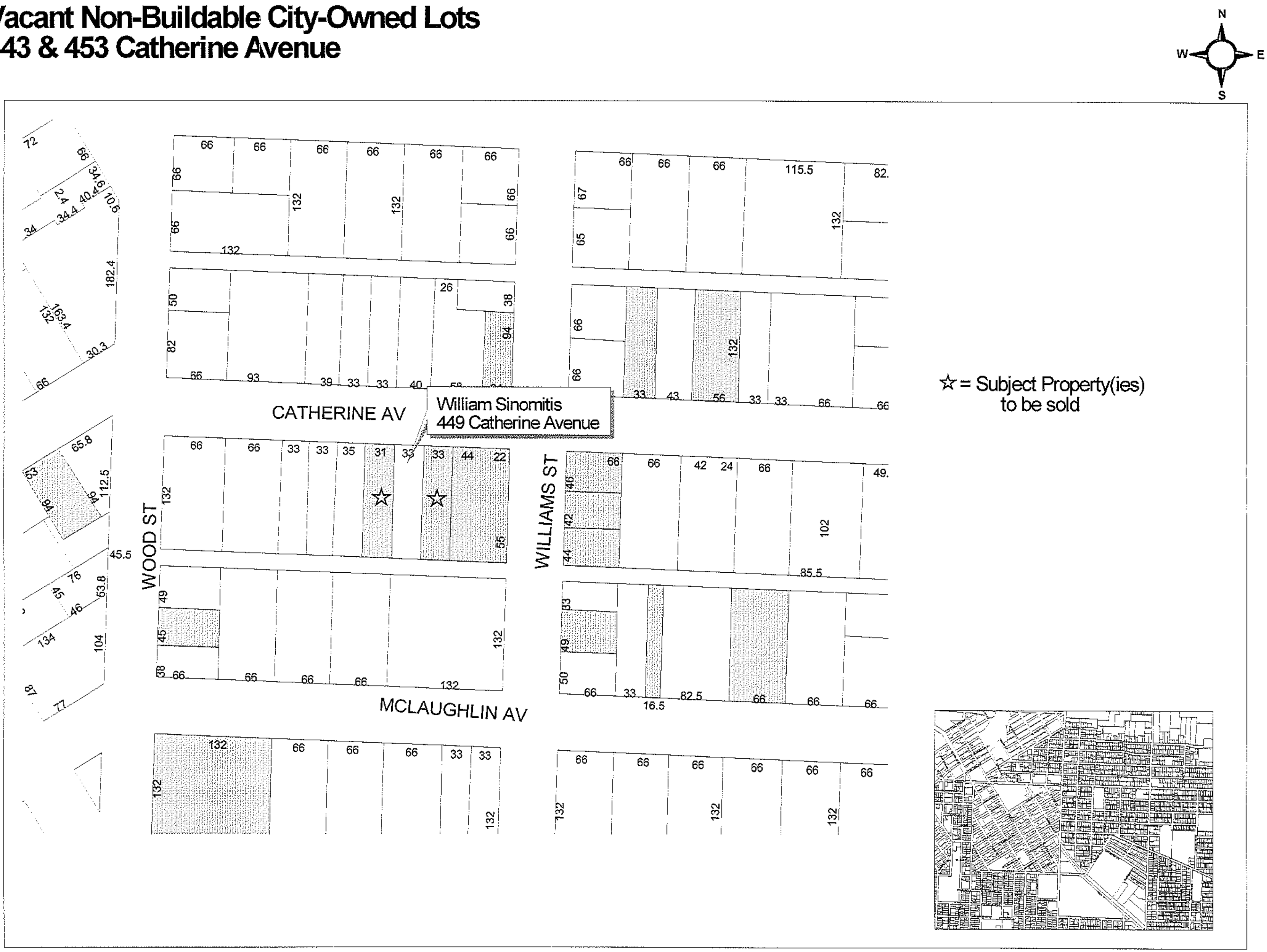
This resolution was adopted at a regular meeting of the City Commission, held on April 27, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

Vacant Non-Buildable City-Owned Lots
443 & 453 Catherine Avenue



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **WILLIAM R. SIMONITIS**, a single man, of 449 Catherine Avenue, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, THE EAST ½ OF LOT 2 OF BLOCK 79

for the sum of: One Dollar ($1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 29th day of April, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By ______
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 29, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

C:\DOCUME~1\anguilm\LOCALS~1\Temp\BI3642.doc

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **WILLIAM R. SIMONITIS**, a single man, of 449 Catherine Avenue, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 3, EXCEPT THE WEST 35 FEET OF BLOCK 79

for the sum of: One Dollar ($1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 29th day of April, 2004.

Signed in the presence of:

Linda S. Potter
Linda S Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By ____________
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 29, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

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Commission Meeting Date: April 27, 2004

Date: **April 20, 2004**

To: **Honorable Mayor & City Commission**

From: **Planning & Economic Development Department**

RE: **Sale of Buildable Vacant Lot on Meeking Street**

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 275 Meeking Street (Parcel #24-613-000-0673-00) to Habitat for Humanity, 280 Ottawa Street, Muskegon, MI. The lot is 223 x 126 ft. and is being offered to Habitat for Humanity for $13,500. They plan to split the lot into three 74.3 ft. lots and construct three 1,260 sq. ft. single-family homes as part of the Jimmy Carter home building program. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." Habitat for Humanity will be meeting with the president of the Marquette Neighborhood Association to present the home designs for review. The True Cash Value (TCV) for the property listed in the Assessor's office is $18,000, so our price is set at $13,500 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of three new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Resolution No. 2004-40(i)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 275 MEEKING STREET IN MARQUETTE NEIGHBORHOOD FOR $13,500.

WHEREAS, Muskegon County Habitat for Humanity has placed a $400 deposit for the parcel designated as parcel number 24-613-000-0673-00, located at 275 Meeking Street; and

WHEREAS, the price for parcel number 24-613-000-0673-00 is set by the City at $13,500, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-613-000-0673-00, located at 275 Meeking Street be sold to Muskegon County Habitat for Humanity for $13,500.

CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4 LOTS 673 T0 676

Adopted this 27th day of April, 2004

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

Absent None

By: [signature]
Stephen J. Warmington
Mayor

Attest: Gail Kundinger
Gail Kundinger, MMC
City Clerk

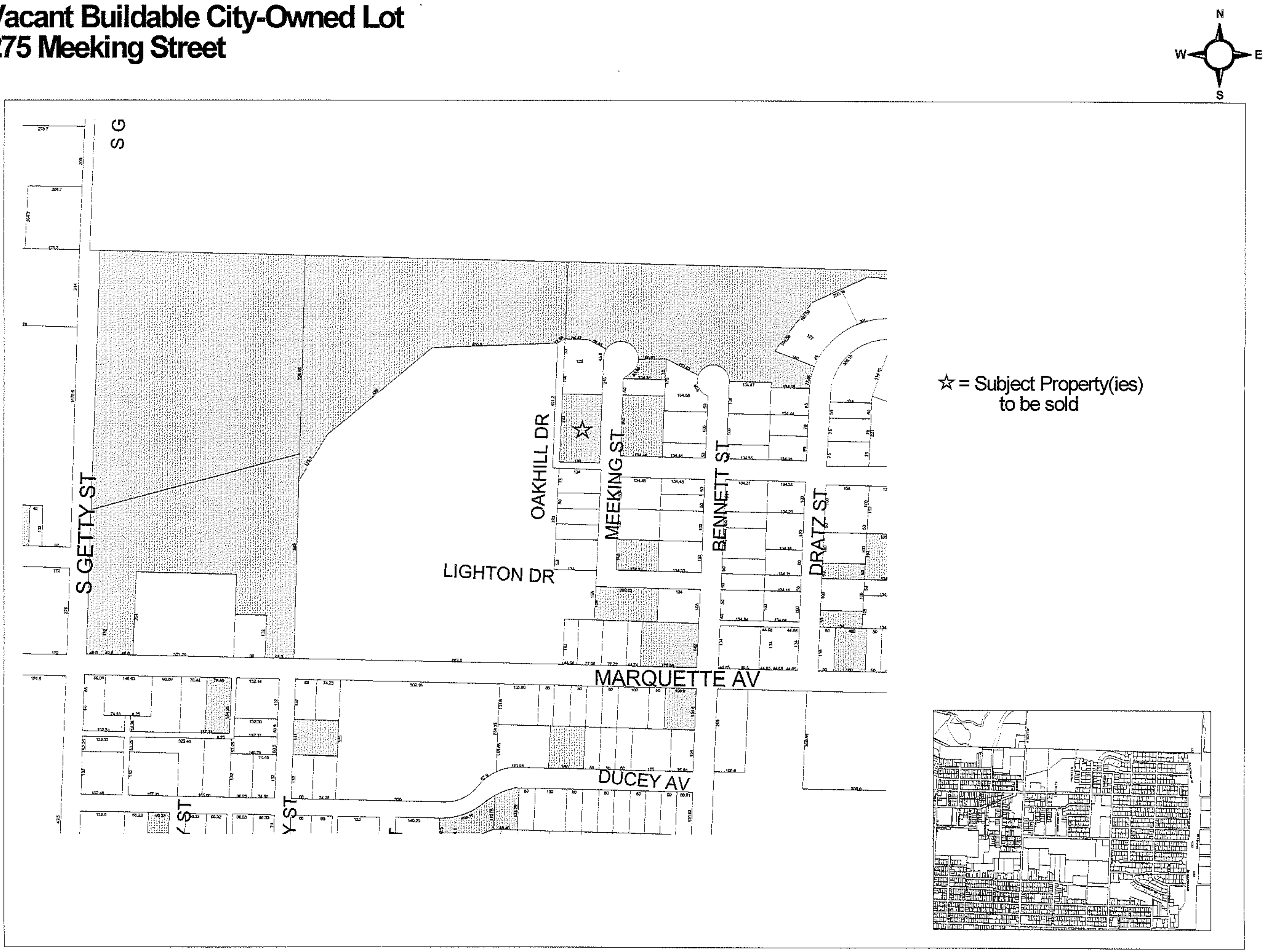
CERTIFICATION

I hearby 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 April 27, 2004.

By: Gail Kundinger

Gail Kundinger, MMC
City Clerk

Vacant Buildable City-Owned Lot
275 Meeking Street



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **MUSKEGON COUNTY HABITAT FOR HUMANITY,** a Michigan nonprofit corporation, of 280 Ottawa Street, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, LOTS 673 THROUGH 676, INCLUSIVE

for the sum of Thirteen Thousand Five Hundred and no/100 Dollars ($13,500)

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall split the lots into three parcels and complete construction of one (1) single family home on each lot herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Deputy Director of Public Safety, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 29th day of April, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By ____________________
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 29, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made April 27, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **MUSKEGON COUNTY HABITAT FOR HUMANITY,** a Michigan nonprofit corporation, with offices at 280 Ottawa Street, Muskegon, Michigan 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

   CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4 LOTS 673 THROUGH 676, INCLUSIVE

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Thirteen Thousand Five Hundred and no/100 Dollars ($13,500).

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to split the lots into three parcels and construct on each lot a single-family home, up to all codes, within eighteen (18)

months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within eighteen (18) months and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that each home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH STUBSTANCES ARE FOUND.

8. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

9. **Closing.** The closing date of this sale shall be on or before ________________, 2004 ("Closing"). The Closing shall be conducted at ________________________________, Muskegon, MI ________. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

11. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

12. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

13. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

14. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

SELLER:

CITY OF MUSKEGON

By
Stephen J. Warmington, Mayor

Gail A. Kundinger
Gail A. Kundinger, MMC, Clerk

BUYER:

MUSKEGON COUNTY HABITAT FOR HUMANITY

By: [signature]
Its: Executive Director
EIN:

Prepared By: John C. Schrier (P36702)
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49440
Phone: (231) 722-1621

CHK

FILE # 433242
DATE: May 14th 2004
PROPERTY ADDRESS: 275 Meeking

The undersigned hereby acknowledge receipt of a Request to Rescind/Withdraw Homestead Exemption form (Michigan Department of Treasury Form No. 2602) as same is required by Public Act 237 of 1994.

Please check one of the following:

✓ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

___ The undersigned have fully and properly completed the forms and request that Transnation Title Insurance Company file the form with the appropriate local tax collecting unit. The undersigned acknowledge and agree that the Company will mail the form by first class mail, and that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event that said form is not received or properly processed by the local tax collecting unit.

SELLER(S):

The City of Muskegon

BY ______________________________
Lonna Anguilm, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN } Title Commitment # 433242
}SS
COUNTY OF Muskegon }

That The City of Muskegon, a Municipal Corporation being first duly sworn on oath says that they are the true and lawful owner(s) of the premises located at:

275 Meeking
Muskegon, Michigan 49443

AND

1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.

2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.

3. That the parties in possession other than the affiant(s) are bona fide tenants only and have no other interest in the premises whatsoever.

4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.

5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.

6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills, mortgage deficiencies, etc. shall be immediately paid by affiant(s) as soon as informed of such.

Seller(s):

The City of Muskegon

BY ______________________
Lonna Anguilm, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 14th day of May, 2004

____
Notary Public ____________ County

My Commission Expires: ____________

TERESA LAVIGNE
Notary Public, Muskegon County, Michigan
Acting in Muskegon County
My Commission Expires 6-22-2005

TERMITE INSPECTION WAIVER

Date: May 14, 2004

RE: 433242

To: 570 Seminole Road

Muskegon MI 49444

Property Address:

275 Meeking

Muskegon, Michigan 49443

County: Muskegon
Muskeegon Urban Renewal 4 Lots 673-676

We, the undersigned, being the buyers and sellers of the above captioned property, herein acknowledge and certify that we have chosen to eliminate the requirement of a termite inspection for this property.

We herein agree to hold harmless Transnation Title Insurance Company and/or 570 Seminole Road and City of Muskegon, from any liability for loss or damage resulting from the fact that a termite inspection was not done at the time of closing of the above captioned property.

BUYER(S):

Muskegon County Habitat for Humanity

BY Diana L. Miller

Diana L. Miller, Executive Director

SELLER(S):

The City of Muskegon

BY Lonna Anguilm

Lonna Anguilm, Assistant Planner

SURVEY WAIVER

Date: May 14, 2004

RE: 433242

To: 570 Seminole Road

Muskegon MI 49444

Property Address:

275 Meeking

Muskegon, Michigan 49443

County: Muskegon
Muskeegon Urban Renewal 4 Lots 673-676

We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

We have decided, completely of our own volition, not to obtain a survey and wish to complete the transaction without the recommended survey.

We hereby release 570 Seminole Road and City of Muskegon, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):

Muskegon County Habitat for Humanity

BY Diana L. Miller

Diana L. Miller, Executive Director

SELLER(S):

The City of Muskegon

BY

Lonna Anguilm, Assistant Planner

LANDAMERICA TRANSNATION TITLE INSURANCE
570 Seminole Road
Muskegon MI 49444

Date: May 14, 2004
Escrow Number: 433242

Property Address: 275 Meeking
Muskegon, Michigan 49443

SELLER'S STATEMENT

	DEBIT	CREDIT
Purchase Price	$	$ 13,500.00
EXISTING LOAN		
Deposit of earnest money	400.00	
CLOSING FEES	200.00	
OWNERS SIMULTANEOUS ISSUE	202.00	
Real Estate Commission		
Sub Total	$ 802.00	$ 13,500.00
Amount due Seller	$ 12,698.00	
TOTALS	$ 13,500.00	$ 13,500.00

****

The undersigned Sellers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and ratifies the disbursement of the funds as stated therein.

Seller(s) Signature(s):

The City of Muskegon

BY ______________________
Lonna Anguilm, Assistant Planner

Commission Meeting Date: April 27, 2004

Date: **April 20, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Vacation of a portion of Jackson Ave.**

SUMMARY OF REQUEST:

Request for the vacation of Jackson Ave., between E. Western and Ottawa St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of Jackson Ave., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended the vacation, with the condition as listed above. The vote was unanimous with B. Mazade, S. Warmington, and B. Smith absent.

CITY OF MUSKEGON

RESOLUTION #2004- 40(j)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Jackson Ave., between E. Western and Ottawa St; and

WHEREAS, the Planning Commission held a public hearing on April 15, 2004 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the April 27, 2004 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Jackson Ave., between E. Western and Ottawa St.;

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

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

Adopted this 27th day of April, 2004.

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

Absent: None

By: [signature]
Steve Warmington, Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, City Clerk

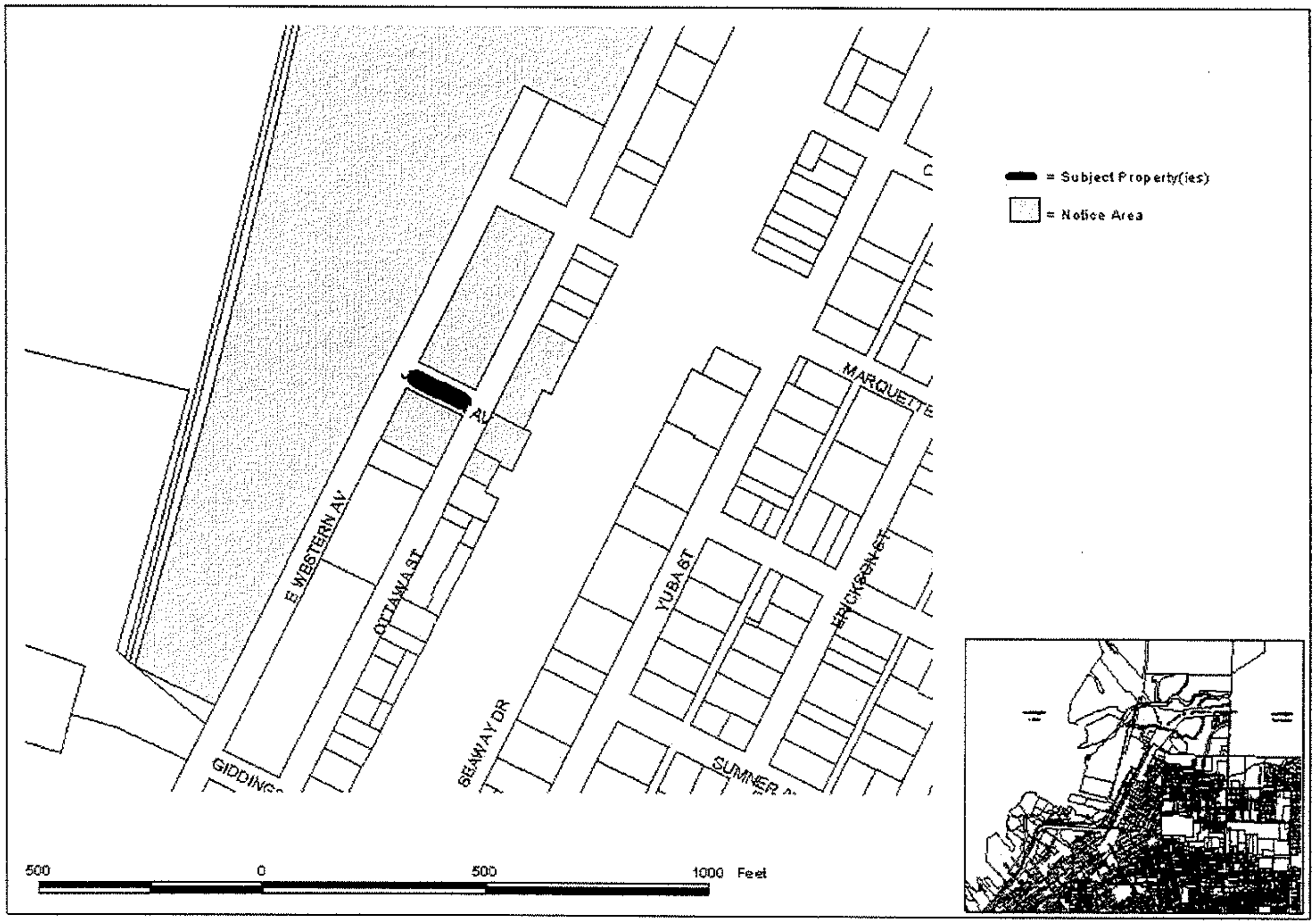
CERTIFICATE (Vacation of Jackson Ave.)

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 April 27, 2004.

Gail Kundinger

Gail Kundinger, MMC
Clerk, City of Muskegon

City of Muskegon
Planning Commission
Case 2004-10



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

April 15, 2004

Hearing; Case 2004-10: Request to vacate Jackson Ave. between East Western and Ottawa Street, by Gregory Teerman

BACKGROUND

Lake Welding Supply (LWS), 363 Ottawa, is pursuing the vacation of part of Jackson street, to the south of their business, in order to help accommodate a proposed future business expansion. If the vacation is approved LWS will be returning to the Planning Commission for a special use permit for the installation of a bulk-storage propane tank. Staff has met with Mr. Teerman to discuss the issue of the propane tank. The first proposal was to place it near E. Western Avenue. This was too close for city staff's comfort level because of the major utilities running down Western. The option of moving the tank farther away from western was discussed and the result was the action of looking into the vacation of Jackson Ave. Mr. Teerman has stated that the propane tank is needed to stay competitive with other similar facilities in the area.

Jackson Street is about midway between Marquette and Giddings. Access would still be available to East Western from these other streets. The road is currently in disrepair and appears to be made out of gravel. The property to the south of Jackson street has an entrance and some parking off of Jackson Street. Access to the north side of the property may be an issue. The building also has access from E. Western and Ottawa.

There are utilities that run through Jackson street between Western and Ottawa. The Department of Public Works needs utility easements with building and setback restrictions so nothing can be built over the utilities. The Police department has no major issues with the vacation. Staff has not received comments from Fire or Engineering, but will bring any comments to the meeting.

STAFF RECOMMENDATION

Staff recommends approval of the request with the condition that the City retain all easement rights to the utilities.

DELIBERATION

I move that the vacation of Jackson Avenue between East Western Ave and Ottawa Streets be (approved/denied), (based on the following conditions--only if approved):

1. That all City easements be retained.

CITY OF MUSKEGON

RESOLUTION #2004-

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Jackson Ave., between E. Western and Ottawa St; and

WHEREAS, the Planning Commission held a public hearing on April 15, 2004 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the April 27, 2004 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Jackson Ave., between E. Western and Ottawa St.;

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

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

Adopted this 27th day of April, 2004.

Ayes:

Nays:

Absent:

By: ______________________________
Steve Warmington, Mayor

Attest: ______________________________
Gail A. Kundinger, MMC, City Clerk

CERTIFICATE (Vacation of Jackson Ave.)

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 April 27, 2004.

Gail Kundinger, MMC
Clerk, City of Muskegon

Commission Meeting Date: April 27, 2004

Date: **April 20, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Vacation of a portion of Leahy Street.**

SUMMARY OF REQUEST:

Request for the vacation of Leahy St., between Larch Ave. and the Hackley Hospital professional Center entry drive.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of Leahy St., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended the vacation, with the condition as listed above with T. Harryman not present for the vote.

CITY OF MUSKEGON

RESOLUTION #2004- 40(k)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Leahy., between Larch Ave. and the Hackley Hospital Professional Center entry drive; and

WHEREAS, the Planning Commission held a public hearing on April 15, 2004 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the April 27, 2004 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Leahy St., between Larch Ave and the Hackley Hospital Professional Center entry drive.;

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

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

Adopted this 27th day of April, 2004.

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

Absent: None

By: [signature]
Steve Warmington, Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, City Clerk

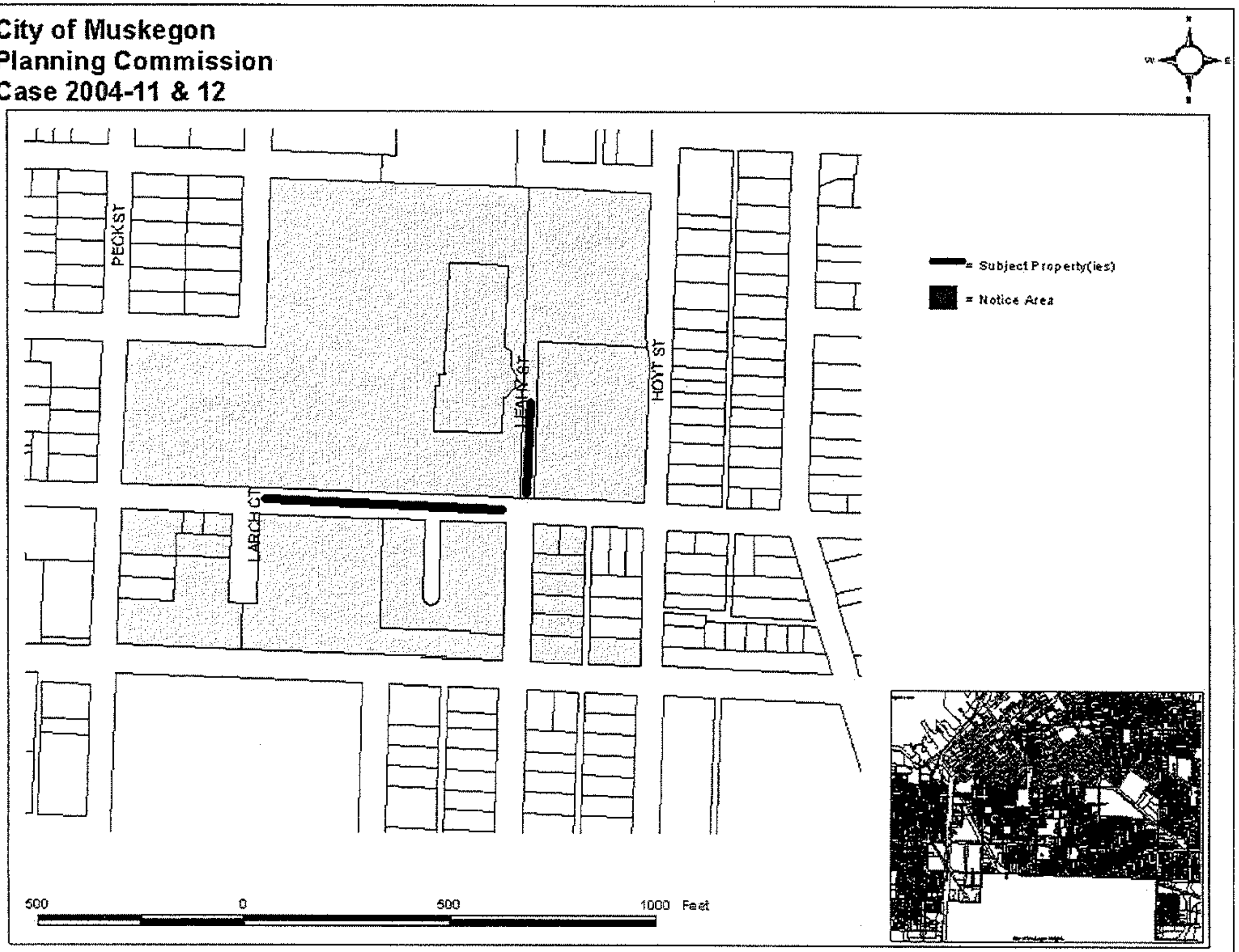
CERTIFICATE (Vacation of Leahy St.)

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 April 27, 2004.

Gail Kundinger

Gail Kundinger, MMC
Clerk, City of Muskegon

City of Muskegon
Planning Commission
Case 2004-11 & 12



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

April 15, 2004

Hearing; Case 2004-12: Request to vacate Leahy Street between Larch Avenue and the Hackley Hospital Professional Center entry drive, by Hackley Hospital (Gerald Adams)

BACKGROUND

Please see pervious case for details.

A previous case has vacated the section of street to the north of this proposed Leahy vacation. There apparently was a property that was not associated with the hospital and the entire street could not be vacated. Since that time, the hospital has acquired the land and now owns the property on both sides.

This section of Leahy does not serve anything but the hospital itself. It serves the function of a private drive as it sits now. Vacating the street would not appear to disrupt or change the current circulation of the area.

Staff has received comments from the DPW, they have indicated that we would need to obtain an easement for water, sewer, and storm utilities. Staff will bring any additional comments to the meeting.

STAFF RECOMMENDATION

Staff recommends approval of the request with the condition that the City retain all easement rights to the utilities.

DELIBERATION

I move that the vacation of Leahy Street between Larch Ave and the Hackley Hospital Professional Center Entry Drive be (approved/denied), (based on the following conditions--only if approved):

1. That all City easements be retained.

Commission Meeting Date: April 27, 2004

Date: **April 19, 2004**

To: **Honorable Mayor & City Commission**

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

RE: **Cool Cities Pilot Program- Grant Request**

SUMMARY OF REQUEST: The State has a new Cool Cities Pilot Program available. Cities that are successful in their applications will receive "catalyst" grants of up to $100,000, which are designated to jump-start their revitalization efforts. Grants are due by May 7, 2004. For the first year of funding, 12 cities will be chosen. Muskegon is proposing to combine this grant with the Neighborhoods of Choice (former Partner Grant) and the MDOT Transportation Enhancement Grant. The Cool Muskegon Committee has recommended that we apply for Wayfinding Signage that will be placed in both the downtown and Lakeside area. In this way, the City can tie these two important cultural, transportation and tourist areas together.

FINANCIAL IMPACT: There is no requirement for a match, although several other projects and grants will be tied in with this request. In addition, it is anticipated that the Chamber of Commerce will be able to assist with private contributions to the project. The total project cost is anticipated to be $150,000. This will include a maintenance fund for the signage in the future.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Cool Muskegon Committee recommends that the City apply for the Cool City grant and request $100,000 for Wayfinding signage.

Resolution No. 2004-40(1)

MUSKEGON CITY COMMISSION

RESOLUTION AUTHORIZING THE SUBMITTAL OF A
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
COOL CITY PILOT PROGRAM GRANT

WHEREAS, The Michigan State Housing Development Authority (MSHDA) is seeking grant applications for the Cool City Pilot Program; and

WHEREAS,the City of Muskegon has been working with the Cool Muskegon Committee to determine ways to make our community more "cool" and to coordinate with the State of Michigan on Cool City efforts; and

WHEREAS, there are several grant initiatives that the City and/or other entities within the City are receiving, or hope to receive, including the Neighborhoods of Choice, the Transportation Enhancement Grant, the Mainstreet designation and the Brownfield Grant; and

WHEREAS, the project selected by the City and the Cool Muskegon Committee to receive MSHDA funding, which is Wayfinding Signage, is consistent with the City of Muskegon's Master Land Use Plan, as well as the Imagine Muskegon Plan; and

WHEREAS, it is the intention of the City and the Cool Muskegon Committee that Wayfinding Signage will be placed in both the downtown and Lakeside areas of the City, providing a link between two viable commercial centers (which includes the Cross-Lake Ferry which will start service between Muskegon and Milwaukee, WI on June 1, 2004) if a Cool City Grant is awarded;

NOW, THEREFORE, BE IT RESOLVED, THAT the City Commission authorizes staff to apply for and secure a grant, in the amount of $100,000 and enter into a grant agreement with the Michigan State Housing Development Authority.

Adopted this 27th of April, 2004.

AYES: Davis, Gawron, Larson, Shepherd, Spataro, Warmington,Carter
NAYS: None
ABSTAIN: None

By: [signature]
Mayor

Attest: Gail A. Kundinger
City Clerk

CERTIFICATION
2004-40(l)

This resolution was adopted at a regular meeting of the City Commission, held on April 27, 2004. 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. Kundinger
Gail A. Kundinger, MMC, City Clerk

Commission Meeting Date: April 27, 2004

Date: **April 19, 2004**

To: **Honorable Mayor & City Commission**

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

RE: **Set Public Hearing for Amendment to Brownfield Plan- "The Watermark" Project**

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by P & G Holdings NY, LLC ("P & G"), known as The Watermark project, located at 1321 Division, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the revitalization of the former Shaw Walker building into residential and commercial space will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on April 20, 2004 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for May 25, 2004.

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

2004-40(m)

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 27th day of April, 2004, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

ABSENT:

Members None

The following preamble and resolution were offered by Member Spataro and supported by Member Shepherd:

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

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

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved a Brownfield Plan Amendment to add the Watermark project (former Shaw Walker Building); and

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendment from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendment to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendment [after the public hearing described below].

2. A public hearing is hereby called on the 25th day of May, 2004 at 5:30 p.m., prevailing Eastern Time, in the City Hall to consider adoption by the City Commission of a resolution approving the Brownfield Plan Amendment.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the City, twice before the public hearing. The first publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

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

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON A BROWNFIELD PLAN AMENDMENT OF THE CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on Tuesday, the 25th day of May, 2004, at 5:30 p.m., prevailing Eastern Time in the City Hall located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

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

1321 Division Street
(Former Shaw Walker Building, now "The Watermark")
Muskegon, Michigan

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

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

FURTHER INFORMATION may be obtained from the City Clerk.

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

Gail A Kundinger

City Clerk

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

AYES:

Members Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

NAYS:

Members None

RESOLUTION DECLARED ADOPTED.

Gail A. Kundinger

Gail A. Kundinger, MMC, City Clerk

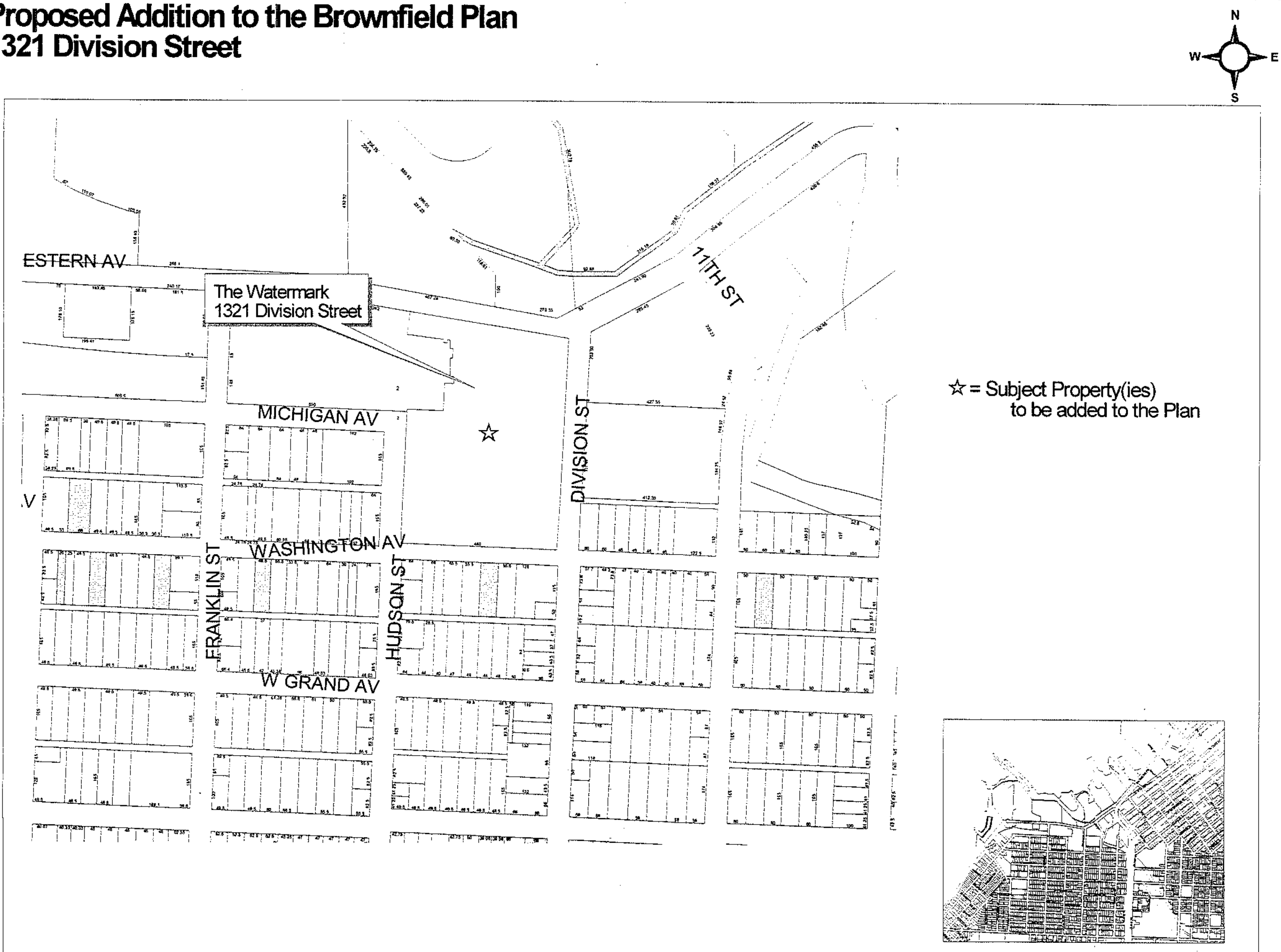
CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on July 11, 2000, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Gail A. Kundinger

Gail A. Kundinger, MMC, City Clerk

Proposed Addition to the Brownfield Plan
1321 Division Street



CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY

BROWNFIELD PLAN AMENDMENT
"The WaterMark" Project

Original Plan Approved by the Board of the City of Muskegon Brownfield Redevelopment Authority on **February 23, 1998,** with amendments approved August 10, 1998, June 13, 2000, April 15, 2003, and July 7, 2003.

Original Plan Approved by the City Commission of the City of Muskegon on **April 14, 1998,** with amendments approved August 11, 1998; July 11, 2000; May 27, 2003, and. August 12, 2003.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

INDEX

I. INTRODUCTION

In order to promote the revitalization of commercial, industrial, and residential properties within the boundaries of the City of Muskegon (the "City"), the City established the City of Muskegon Brownfield Redevelopment Authority (the "Authority") pursuant to Act 381, Public Acts of Michigan, as amended ("Act 381"), and a resolution adopted by the Muskegon City Commission on February 10, 1998.

The major purpose of this Brownfield Plan ("Plan") is to promote the redevelopment of *eligible properties* within the City that are impacted by the presence of hazardous substances in concentrations that exceed Michigan's Part 201 Generic Cleanup Criteria Criteria ("*facilities*") or that have been determined to be Functionally Obsolete or Blighted. Inclusion of property within this Plan can facilitate financing of environmental response activities, infrastructure improvements, demolition, lead or asbestos abatement, and site preparation activities at *eligible properties*; and may also provide tax incentives to eligible taxpayers willing to invest in revitalization of *eligible properties*. By facilitating redevelopment of underutilized *eligible properties*, the Plan is intended to promote economic growth fro the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

This plan is intended to be a living document, which can be amended as necessary to achieve the purposes of Act 381. It is specifically anticipated that properties will be continually added to the Plan as new projects are identified. The Plan contains general provisions applicable to each site included in the Plan, as well as property-specific information for each project. The applicable Sections of Act 381 are noted throughout the Plan for reference purposes.

This Brownfield Plan contains the information required by Section 13(1) of Act 381, as amended. Additional information is available from the City Manager.

II. GENERAL PROVISIONS

A. Costs of the Brownfield Plan *(Section 13(1)(a))*

Any site-specific costs of implementing this Plan are described in the site-specific section of the Plan. Site-specific sources of funding may include tax increment financing revenue generated from new development on eligible brownfield properties, state and federal grant or loan funds, and/or private parties. Where private parties finance the costs of eligible activities under the Plan, tax increment revenues may be used to reimburse the private parties. The initial costs related to preparation of the Brownfield Plan were funded by the City's general fund. Subsequent amendments to the Plan are funded by the person requesting inclusion of a project in the Plan.

The Authority intends to pay for administrative costs and all of the things necessary or convenient to achieve the objectives and purposes of the Authority including, but not limited to:

i) the cost of financial tracking and auditing the funds of the Authority,
ii) costs for amending and/or updating this Plan, including legal fees, and
iii) costs for Plan implementation

with any eligible tax increment revenues collected pursuant to the Plan. However, at this time, there are no properties included in this plan that will utilize tax increment financing and therefore there are currently no tax increment revenues to pay for these costs. As noted above, most costs related to the preparation of Plan amendments are borne by the person requesting inclusion of a project within the Plan.

B. Method for Financing Costs of Plan *(Section 13(1)(d) and (e)))*

The Authority does not intend at this time to incur debt, such as through the issuance of bonds or other financing mechanisms. In the future, the City or Brownfield Authority may incur some debt on a site-specific basis. Please refer to the site-specific section of this Plan for details on any debt to be incurred by the City or Authority. When a property proposed for inclusion in the Plan is in an area where tax increment financing is a viable option, the Authority intends to enter into Development Agreements with the property owners/developers of a properties included in the Plan to reimburse them for the costs of eligible activities undertaken pursuant to this Plan. Financing arrangements will be specified in the Development Agreement, and also identified in the Site Specific section of the Plan.

C. Duration of the Brownfield Plan *(Section 13(1)(f))*

The Plan, as it applies to a specific eligible property, shall be effective up to five (5) years after the year in which the total amount of any tax increment revenue captured is equal to the total costs of *eligible activities* attributable to the specific *eligible property*, or thirty (30) years from the date of approval of the Plan as it relates to an individual site, whichever is less. The total costs of *eligible activities* include the cost of principal and interest on any note or obligation issued by the Authority to pay for the costs of *eligible activities*, the reasonable costs of a work plan or remedial action plan, the actual costs of the Michigan Department of Environmental Quality's or Michigan Economic Growth Authority's review of the work plan or remedial action plan, and implementation of the *eligible activities*.

D. Displacement/Relocation of Individuals on *Eligible Properties* *(Section 13(1)i, j,k,l))*

At this time, *eligible properties* identified in this Plan do not contain residences, nor are there any current plans or intentions by the City for identifying *eligible properties* that will require the relocation of residences. Therefore the provisions of *Section 13(1)(i-l)* are not applicable at this time.

E. Local Site Remediation Revolving Fund *(Section 8; Section 13(1)(m))*

At the time this Plan includes a property for which taxes will be captured through the increment financing authority provided by Act 381, it is the Authority's intent to establish a Local Site Remediation Revolving Fund ("Fund"). The Fund will consist of tax increment revenues that exceed the costs of eligible activities incurred on an eligible property, as specified in *Section 13(5) of Act 381*. Section 13(5) authorizes the capture of tax increment revenue from an eligible property for up to 5 years after the time that capture is required for the purposes of paying the costs of eligible activities identified in the Plan. It is the intention of the Authority to continue to capture tax increment revenues for 5 years after eligible activities are funded from those properties identified for tax capture in the Plan. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for eligible activities under this Plan. It may also include funds appropriated or otherwise made available from public or private sources.

The Revolving Fund may be used to reimburse the Authority, the City, and private parties for the costs of eligible activities at *eligible properties* and other costs as permitted by Act 381. It may also be used for eligible activities on *eligible properties* for which there is no ability to capture tax increment revenues. The establishment of this Revolving Fund will provide additional flexibility to the Authority in facilitating redevelopment of brownfield properties by providing another source of financing for necessary eligible activities.

SITE SPECIFIC PROVISIONS

H. The WaterMark Project

Eligibility and Project Summary (Sec. 13(1)(h))

P & G Holdings NY, LLC ("P & G") has acquired the former Shaw Walker Company property in downtown Muskegon, just across from Muskegon Lake. This property consists of the main plant building of the former Shaw Walker Company, bounded by West Western Avenue, Franklin Street, Michigan Avenue, Hudson Street, Washington Avenue and Division Street, City of Muskegon Parcel No. 24-205-467-0001-00. A legal description and survey map is included as Attachment H-1 ("Property")

The Property is considered a "facility" pursuant to Part 201. A limited Industrial/Commercial Remedial Action Plan (RAP) submitted by Lakeview Industrial Center, Inc. for the entire Shaw Walker facility was approved by MDEQ on November 14, 2000. P & G purchased a portion of the facility for redevelopment, and prepared a BEA dated January 11, 2002 for disclosure to the MDEQ. Subsequently, P & G worked with the MDEQ to prepare an Interim Response Designed to Meet Criteria (IRDC), to allow for a portion of the property to be used for Residential purposes. This IRDC Plan, dated 10/17/03, was approved by MDEQ on 12/15/03. This property is, therefore, considered a "facility" pursuant to Part 201, and is therefore an *eligible property* pursuant to Act 381. This *eligible property* includes all personal property.

The P & G project, known as The WaterMark ("Project") will result in the rehabilitation of 7 acres of idle industrial property. When completed, P & G estimates a 25 million dollar investment. The Project will convert a dilapidated industrial complex into more than 400 units with a mix of residential, retail and commercial space. The WaterMark will be completed in phases, with the first phase to include condominium and retail units, at an estimated initial investment exceeding $6, 000,000.

The Project is situated on the former Shaw-Walker Company property in downtown Muskegon, one block from Muskegon Lake. Its neighbors include low to moderate income single-family residential properties, some small manufacturing operations, the Muskegon YMCA, a City owned marina and Heritage Landing, a popular City park on the lakefront utilized for various community events.

The original multi-story manufacturing building is now functionally obsolete. The first section of the building was constructed on this site in 1903. By 1963, it had added 15 auxiliary structures and additions and employed 1200 people. At its peak, the company employed 2500, and the facilities were expanded by adding thirty various additions and structures. It is now almost completely vacant and in disrepair. It is the vision of the developers and the City, that this highly visible property, currently adorned with graffiti and boarded windows, can once again become a vibrant feature of the community.

The parking lots, green space and the structural modifications that are planned for The WaterMark will be designed and constructed in conformity with current regulatory requirements for storm water and other environmental media. Historical contamination that exists on the property will be addressed by removal and/or the placement of an exposure barrier at a designated location. All work will be integrated with various green space areas and landscaping to enhance the functionality of the property, and meet environmental restrictions applicable to the property. The Michigan Department of Environmental Quality has approved planned response activity in an agreement with P & G for the implementation of the IRDC.

The plan for job retention and development includes the retention of a small manufacturing operation by Knoll, Inc., as the property transitions from its current use to full build-out. This action will retain an estimated 75 jobs. Long-term development plans for the nearly 1,000,000 square foot building includes residential, retail and office units. Although difficult to predict with accuracy, it is estimated that several hundred new jobs will be created by this project.

This type of mixed-use enhancement of the property in close proximity with occupational and recreational options and "reuse" of existing materials and resources in construction, promotes sustainable redevelopment objectives.

<u>Eligible Activities, Financing, Cost of Plan (Sec. 13(1)(a), (b), (c), (d), (g))</u>

Eligible activities that have been conducted on the property include development of an MDEQ-approved RAP, development of an MDEQ-approved IRDC, additional response activities through implementation of the RAP and IRDC; and preparation of a Baseline Environmental Assessment and Section 7a (Due Care) Compliance Analysis. There are no *eligible activities* proposed to be financed with Brownfield tax increment revenues. Further, the Property is located in a Renaissance Zone, making Brownfield tax increment financing unavailable. As such, there are no costs to the City of Muskegon or its taxing jurisdictions as a result of the WaterMark Project being included in this Plan, and therefore no note or bonded indebtedness to be incurred by the City.

<u>Single Business Tax Credit</u>

The WaterMark Project is included in the Plan to enable "*qualified taxpayers*" as defined by Act 228 of 1975, as amended, to avail themselves of eligibility for a credit against their Michigan single business tax liability for "*eligible investments*" as defined by P.A. 228. "*Eligible investments*" include demolition, construction, restoration, alteration, renovation, or improvement of buildings or site improvements on *eligible property* and the addition of machinery, equipment, and fixtures to *eligible property* after the effective date of this Plan Amendment.

Effective Date of Inclusion in Brownfield Plan

The WaterMark Project was added to this Plan on ___________2004.

ATTACHMENT H-1

SITE MAP, LEGAL DESCRIPTION
THE WATERMARK
MUSKEGON, MICHIGAN

Property Description:

Entire Blocks 467, 468 and 474; TOGETHER WITH the C & O Railway Company right of ways in said blocks; vacated Hudson Street between said Blocks 467 and 468; vacated Michigan Avenue between said Blocks 467 and 474; the vacated alley in said Block 468 and the 2 vacated alleys in said Block 474 of the Revised Plat of 1903 of the City of Muskegon (as recorded in Liber 3 of Plats, Page 71, Muskegon County Records), Muskegon County, Michigan; ALSO that part of Blocks 466 and 475; vacated Michigan Avenue and vacated Clay Avenue of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan; ALSO part of the parcel of land formerly known as Block 5 of Beidler Manufacturing Company's Subdivision of Blocks 332, 333 and 334 of the City of Muskegon, included in the following description: COMMENCING at the Southwest corner of said Block 475 for POINT OF BEGINNING; thence North along the East line of Division Street 337.47 feet; thence North 89°40'00" East 427.35 feet to the West line of Henry Street; thence South 05°18'10" West along said West line 144.97 feet to the Northeast corner of said Block 475; thence South 00°28'45" West along said West line 194.75 feet to the Southeast corner of said Block 475; thence South 89°52'30" West along the South line of said Block 412.33 feet to the point of beginning. Containing 15.211 acres.

Descriptions:

Phase I

Part of Blocks 467 and 474; together with part of vacated Hudson St. between Blocks 467 and 468; part of vacated Michigan Ave. between Blocks 467 and 474; part of a vacated Alley in said Block 474; all of a second vacated Alley in Block 474; all being in the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan more particularly described as: Commence at the Southwest corner of said Block 474 for the POINT OF BEGINNING; thence North 00°20'35" West 414.17 feet along the East line of Hudson St.; thence South 89°48'11" West 1.29 feet along the North line of Michigan Ave.; thence North 02°11'01" East 7.87 feet; thence South 87°51'37" East 185.29 feet along the Southerly line of a 5 story building; thence South 00°06'34" West 231.27 feet along the West line of a 5 story building; thence North 89°57'03" East 39.77 feet along the expansion joint between 5 story buildings; thence South 00°00'25" West 182.21 feet along the West line of a 10" brick wall; thence South 89°34'02" West 221.00 feet along the North line of Washington Ave. to the Point of Beginning.

D.E.Q. Designation Area *(Being a part of Phase I)*

Part of Blocks 467 and 474; together with part of vacated Hudson St. between Blocks 467 and 468; part of vacated Michigan Ave. between Blocks 467 and 474; part of a vacated Alley in said Block 474; all of a second vacated Alley in Block 474; all being in the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan more particularly described as: Commence at the Southwest corner of said Block 474 ; thence North 00°20'35" West 162.80 feet along the East line of Hudson St. to the POINT OF BEGINNING for this parcel; thence continue North 00°20'35" West 251.37 feet; thence South 89°48'11" West 1.29 feet along the North line of Michigan Ave.; thence North 02°11'01" East 7.87 feet; thence South 87°51'37" East 185.29 feet along the Southerly line of a 5 story building; thence South 00°06'34" West 251.80 feet along the West line of a 5 story building; thence South 89°50'25" West 182.19 feet along the North line of a 5 story building to the Point of Beginning.

STATE OF MICHIGAN
JOHN M. NOUSAIN
PROFESSIONAL SURVEYOR
NO. 41106
LICENSED PROFESSIONAL SURVEYOR

John M. Nousain, P.S. #41106

NOUSAIN SURVEYING & MAPPING, LLC
310 N. Bear Lake Rd.
Muskegon, MI 49445
Phone 231-719-9555 Fax 231-719-9556

Drawn by	JMN	Date	8-21-03
Checked by	JMN	Date	8-21-03
Scale :	1" =50'	Sheet	1 of 1

Job No. 03T004.1

Property Description:

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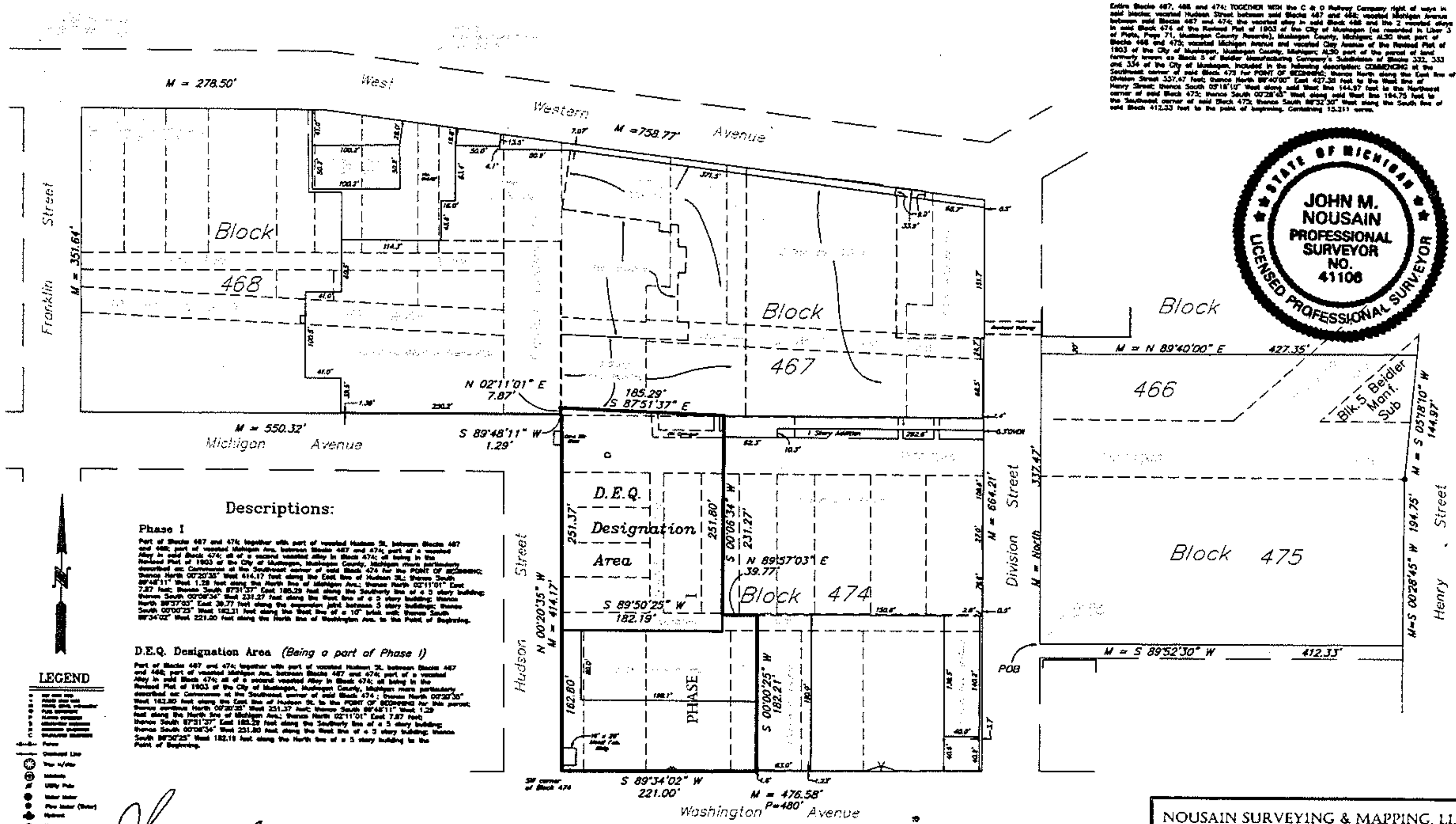

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Phase I

Part of Blocks 467 and 474; together with part of vacated Hudson St. between Blocks 467 and 468; part of vacated Michigan Ave. between Blocks 467 and 474; part of a vacated Alley in said Block 474; all of a second vacated Alley in Block 474; all being in the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan more particularly described as: Commencing at the Southwest corner of said Block 474 for the POINT OF BEGINNING; thence North 00°20'35" West 414.17 feet along the East line of Hudson St.; thence South 89°48'11" West 1.29 feet along the North line of Michigan Ave.; thence North 02°11'01" East 7.87 feet; thence South 87°51'37" East 185.29 feet along the Southerly line of a 3 story building; thence South 00°06'34" West 231.27 feet along the West line of a 3 story building; thence North 89°57'03" East 39.77 feet along the expansion joint between 3 story buildings; thence South 00°00'25" West 182.21 feet along the West line of a 10" brick wall; thence South 89°34'02" West 221.00 feet along the North line of Washington Ave. to the Point of Beginning.

D.E.Q. Designation Area *(Being a part of Phase I)*

Part of Blocks 467 and 474; together with part of vacated Hudson St. between Blocks 467 and 468; part of vacated Michigan Ave. between Blocks 467 and 474; part of a vacated Alley in said Block 474; all of a second vacated Alley in Block 474; all being in the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan more particularly described as: Commencing at the Southwest corner of said Block 474 ; thence North 00°20'35" West 162.80 feet along the East line of Hudson St. to the POINT OF BEGINNING for this parcel; thence continue North 00°20'35" West 251.37 feet; thence South 89°48'11" West 1.29 feet along the North line of Michigan Ave.; thence North 02°11'01" East 7.87 feet; thence South 87°51'37" East 185.29 feet along the Southerly line of a 5 story building; thence South 00°06'34" West 251.80 feet along the West line of a 5 story building; thence South 89°50'25" West 182.19 feet along the North line of a 5 story building to the Point of Beginning.

John M. Nousain, P.S. #41106

NOUSAIN SURVEYING & MAPPING, LLC
310 N. Bear Lake Rd.
Muskegon, MI 49445
Phone 231-719-8888 Fax 231-719-8888

Drawn by	JMN	Date	8-21-03
Checked by	JMN	Date	8-21-03
Scale :	1" =50'	Sheet	1 of 1
Job No.	03T004.1		

Property Description:

and 474; TOGETHER WITH the C & O Railway Company right of ways in
dson Street between said Blocks 467 and 468; vacated Michigan Avenue
7 and 474; the vacated alley in said Block 468 and the 2 vacated alleys
ie Revised Plat of 1903 of the City of Muskegon (as recorded in Liber 3
kegon County Records), Muskegon County, Michigan; ALSO that part of
acated Michigan Avenue and vacated Clay Avenue of the Revised Plat of
skegon, Muskegon County, Michigan; ALSO part of the parcel of land
< 5 of Beidler Manufacturing Company's Subdivision of Blocks 332, 333
Muskegon, included in the following description: COMMENCING at the
d Block 475 for POINT OF BEGINNING; thence North along the East line of
eet; thence North 89°40'00" East 427.35 feet to the West line of
uth 05°18'10" West along said West line 144.97 feet to the Northeast
'5; thence South 00°28'45" West along said West line 194.75 feet to
said Block 475; thence South 89°52'30" West along the South line of
to the point of beginning. Containing 15.211 acres.

ı St. between Blocks 467
·74; part of a vacated
ł; all being in the
/ichigan more particularly
'4 for the POINT OF BEGINNING;
ıdson St.; thence South
ence North 02°11'01" East
therly line of a 5 story building;
5 story building; thence
5 story buildings; thence
ick wall; thence South
. to the Point of Beginning.

of Phase 1)

n St. between Blocks 467
474; part of a vacated
4; all being in the
Michigan more particularly
74 ; thence North 00°20'35"
OF BEGINNING for this parcel;
9°48'11" West 1.29
East 7.87 feet;
of a 5 story building;
5 story building; thence
ry building to the

STATE OF MICHIGAN
JOHN M. NOUSAIN
PROFESSIONAL SURVEYOR
NO. 41106
LICENSED PROFESSIONAL SURVEYOR

John M. Nousain, P.S. #41106

NOUSAIN SURVEYING & MAPPING, LLC
310 N. Bear Lake Rd.
Muskegon, MI 49445
Phone 231-719-9555 Fax 231-719-9556

Drawn by	JMN	Date	8-21-03
Checked by	JMN	Date	8-21-03
Scale :	1" =50'	Sheet	1 of 1
Job No.	03T004.1		

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Consideration of Proposals for Nims Street Tank Painting

SUMMARY OF REQUEST:

Authorize staff to enter into an engineering services agreement with Nelson Tank Engineering & Consulting out of Lansing for a not to exceed cost of $20,175. The scope of services includes the preparation of the contract document and the performance of daily inspection should the project be awarded. Nelson Tank was one of two consulting firms responding to the request for proposal. The other firm, Dixon Engineering out of Lake Odessa, submitted a very similar proposal with a not to exceed price of $ 21,987.50

FINANCIAL IMPACT:

The cost for the engineering services (Contract specifications & Inspection) of $20,175.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to enter into an engineering services agreement with Nelson Tank Engineering & Consulting.

COMMITTEE RECOMMENDATION:

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: First Quarter 2004 Budget Reforecast - Adoption

SUMMARY OF REQUEST: Staff has previously transmitted the ***First Quarter 2004 Budget Reforecast*** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors. At this time staff is recommending adoption of the budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: General fund revenues continue to deteriorate. Currently we estimate the general fund revenue shortfall to be $451,611, attributable mostly to lower than projected state shared revenues. General fund expenditure projections are little changed from the original budget at this time as staff continues to analyze expense reduction options to offset the revenue shortfall. These will be brought to you in the coming weeks. The first quarter reforecast incorporates several significant changes to major capital projects due to updated information not available at the time the original 2004 budget was prepared.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Staff recommends formal approval of the *Reforecast* and related budget amendments.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

CITY OF MUSKEGON
GENERAL FUND

HISTORICAL SUMMARY

Year	Revenues & Transfers In	Expenditures & Transfers Out	Fund Balance at Year-End
1994	$ 15,301,973	$ 15,572,689	$ 2,026,714
1995	16,633,179	16,337,586	2,322,307
1996	17,666,214	18,018,159	1,970,362
1997	20,437,646	20,358,321	2,049,687
1998	21,643,855	21,634,467	2,059,075
1999	21,451,681	22,011,881	1,498,875
2000	23,685,516	22,232,657	2,951,734
2001	23,446,611	23,235,978	3,162,367
2002	23,617,163	23,971,534	2,807,996
2003	23,328,756	23,705,334	2,431,418

Fiscal 2004 Budget Summary

FUND BALANCE AT START OF YEAR		$ 2,431,418
MEANS OF FINANCING:		
Taxes	13,213,432	58.0%
Licenses and Permits	1,128,000	4.9%
Federal Grants	100,087	0.4%
State Grants	27,000	0.1%
State Shared Revenue	4,701,744	20.6%
Other Charges	2,109,933	9.3%
Interest & Rentals	210,053	0.9%
Fines and Fees	435,750	1.9%
Other Revenue	272,250	1.2%
Other Financing Sources	595,000	2.6%
	22,793,249	100.0%
ESTIMATED REQUIREMENTS:		
Customer Value Added Activities	17,636,496	74.4%
Business Value Added Activities	4,076,793	17.2%
Fixed Budget Items	1,975,877	8.3%
	23,689,166	100.0%
ESTIMATED FUND BALANCE AT END OF YEAR		$ 1,535,501

OPERATING DEFICIT (USE OF FUND BALANCE)	$ (895,917)
TARGET FUND BALANCE (10% PRIOR YEAR EXPENDITURES)	$ 2,370,533
ESTIMATED EXCESS (SHORTFALL) vs. TARGET	$ (835,032)

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - General Fund
General Fund Revenue Summary By Source

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
Available Fund Balance - BOY	$ 3,162,367	$ 2,807,996	$ 2,797,798	$ 2,431,418	$ 2,431,418	$ (376,578)	$ (366,380)
Taxes							
City income tax	$ 6,692,609	$ 6,542,355	$ 6,450,000	$ 1,748,874	$ 6,500,000	$ 50,000	0.78%
Property taxes - general	4,221,258	4,212,477	4,760,458	4,053,392	4,702,934	(57,524)	-1.21%
Property taxes - sanitation	1,788,871	1,805,752	1,570,152	1,337,308	1,551,171	(18,981)	-1.21%
Property taxes - pass-through from LDFA II	270,337	157,632	-	-	-	-	0.00%
Industrial facilities taxes	388,718	446,557	364,327	-	364,327	-	0.00%
Payments in lieu of taxes	73,191	70,085	80,000	-	80,000	-	0.00%
Delinquent chargeback collected	30,056	11,886	15,000	4,602	15,000	-	0.00%
	$ 13,465,040	$ 13,246,744	$ 13,239,937	$ 7,144,176	$ 13,213,432	$ (26,505)	-0.20%
Licenses and permits							
Business licenses	$ 31,525	$ 28,455	$ 34,500	$ 1,435	$ 34,500	$ -	0.00%
Liquor licenses	35,542	36,427	37,500	6,396	37,500	-	0.00%
Cable TV franchise fees	258,425	265,532	270,000	-	265,000	(5,000)	-1.85%
Telecom franchise fees (Act 48)	-	32,024	140,000	-	-	(140,000)	-100.00%
Rental property registration	-	4,905	5,000	6,950	10,000	5,000	100.00%
Property Maintenance Inspection Fees	64,565	91,360	75,000	10,655	75,000	-	0.00%
Burial permits	103,636	103,564	110,000	24,531	110,000	-	0.00%
Building permits	365,561	275,642	300,000	136,417	300,000	-	0.00%
Electrical permits	87,788	125,718	135,000	24,329	135,000	-	0.00%
Plumbing permits	66,741	50,030	60,000	10,100	60,000	-	0.00%
Mechanical permits	56,222	94,013	100,000	17,019	100,000	-	0.00%
Franchise fees	-	-	-	-	-	-	0.00%
Police gun registration	1,230	1,110	1,000	-	1,000	-	0.00%
	$ 1,071,235	$ 1,108,780	$ 1,268,000	$ 237,832	$ 1,128,000	$ (140,000)	-11.04%
Federal grants							
Federal operational grant	$ 278,308	$ 211,597	$ 100,087	$ 18,073	$ 100,087	$ -	0.00%
	$ 278,308	$ 211,597	$ 100,087	$ 18,073	$ 100,087	$ -	0.00%
State grants							
Act 302 police training grant	$ -	$ 17,148	$ 17,000	$ -	$ 17,000	$ -	0.00%
State operational grant	11,316	6,117	10,000	1,229	10,000	-	0.00%
	$ 11,316	$ 23,265	$ 27,000	$ 1,229	$ 27,000	$ -	0.00%
State shared revenue							
State sales tax	$ 5,353,987	$ 4,938,861	$ 5,000,000	$ -	$ 4,701,744	$ (298,256)	-5.97%
	$ 5,353,987	$ 4,938,861	$ 5,000,000	$ -	$ 4,701,744	$ (298,256)	-5.97%

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - General Fund
General Fund Revenue Summary By Source

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
Other charges for sales and services							
Tax administration fees	$ 258,323	$ 264,949	$ 233,000	$ 197,743	$ 229,150	$ (3,850)	-1.65%
Utility administration fees	174,965	183,439	183,439	44,221	183,439	-	0.00%
Reimbursement for elections	24,455	30,648	13,000	44	13,000	-	0.00%
Indirect cost reimbursement	892,080	974,894	1,012,708	253,177	1,012,708	-	0.00%
Site-plan review fee	1,086	780	1,000	300	1,000	-	0.00%
Sale of cemetery lots	14,988	18,233	20,000	6,812	20,000	-	0.00%
Sale of columbarium niches	-	-	-	-	-	-	0.00%
Police miscellaneous	74,044	83,060	65,000	9,479	65,000	-	0.00%
Police impound fees	51,225	65,010	40,000	9,200	40,000	-	0.00%
Landlord's alert fee	2,630	315	-	-	-	-	0.00%
Fire protection-state property	42,052	45,965	42,000	-	42,000	-	0.00%
Zoning fees	13,955	11,880	13,000	2,870	13,000	-	0.00%
Clerk fees	2,738	2,022	4,035	1,158	4,035	-	0.00%
Clerk - passport fees	-	1,735	2,500	930	2,500	-	0.00%
Tax abatement application fees	1,423	16,020	6,000	-	6,000	-	0.00%
Treasurer fees	40,635	20,702	33,000	4,931	33,000	-	0.00%
False alarm fees	17,738	11,429	20,000	440	20,000	-	0.00%
Miscellaneous cemetery income	25,569	21,763	24,000	1,880	24,000	-	0.00%
Senior transit program fees	7,376	6,651	8,000	946	8,000	-	0.00%
Township electrical services	-	11,410	-	12,216	13,000	13,000	0.00%
Fire miscellaneous	3,858	13,297	5,000	7,276	10,000	5,000	100.00%
Sanitation stickers	51,081	49,856	55,000	8,653	55,000	-	0.00%
Lot cleanup fees	134,156	91,709	70,000	5,473	70,000	-	0.00%
Reimbursements for mowing and demolitions	129,421	158,315	70,000	73	70,000	-	0.00%
Special events reimbursements	-	30,610	-	-	50,000	50,000	0.00%
Recreation program fees	127,558	116,174	125,101	5,012	125,101	-	0.00%
	$ 2,091,356	$ 2,230,866	$ 2,045,783	$ 572,834	$ 2,109,933	$ 64,150	3.14%
Interest and rental income							
Interest	$ 181,931	$ 48,505	$ 70,000	$ (3,609)	$ 70,000	$ -	0.00%
Flea market	27,526	31,867	28,000	-	28,000	-	0.00%
Farmers market	27,783	29,880	28,000	-	28,000	-	0.00%
City right of way rental	6,400	4,400	4,400	2,400	4,400	-	0.00%
Parking rentals	24,991	6,017	5,000	1,145	5,000	-	0.00%
McGraft park rentals	37,697	41,338	46,288	1,143	46,288	-	0.00%
Other park rentals	26,232	27,400	28,365	6,969	28,365	-	0.00%
	$ 332,560	$ 189,407	$ 210,053	$ 8,048	$ 210,053	$ -	0.00%

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - General Fund
General Fund Revenue Summary By Source

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
Fines and fees							
Income tax - penalty and interest	$ 166,621	$ 194,562	$ 150,000	$ 52,418	$ 150,000	$ -	0.00%
Late fees on current taxes	18,006	52,791	25,000	63	25,000	-	0.00%
Interest on late invoices	589	549	750	-	750	-	0.00%
Parking fines	61,957	71,698	100,000	28,681	100,000	-	0.00%
Court fines	146,141	152,082	160,000	26,538	160,000	-	0.00%
	$ 393,314	$ 471,682	$ 435,750	$ 107,700	$ 435,750	$ -	0.00%
Other revenue							
Sale of land and assets	$ -	$ -	$ 1,000	$ -	$ 1,000	$ -	0.00%
Police sale and auction proceeds	3,089	1,139	4,000	1,044	4,000	-	0.00%
CDBG program reimbursements	372,492	234,073	267,000	-	216,000	(51,000)	-19.10%
Contributions	31,619	35,461	11,000	6,140	11,000	-	0.00%
Contributions - Veteran's Park Maintenance	-	14,232	17,250	-	17,250	-	0.00%
Muskegon County Community Foundation	13,521	33,000	7,000	-	7,000	-	0.00%
Miscellaneous reimbursements	-	-	1,000	-	1,000	-	0.00%
Miscellaneous and sundry	18,341	13,289	15,000	4,606	15,000	-	0.00%
	$ 439,062	$ 331,194	$ 323,250	$ 11,790	$ 272,250	$ (51,000)	-15.78%
Other financing sources							
Operating transfers in							
Cemetery Perpetual Care	$ 56,961	$ 61,360	$ 70,000	$ 13,197	$ 70,000	$ -	0.00%
Criminal Forfeitures Fund	-	-	10,000	-	10,000	-	0.00%
Police Training Fund	22,281	-	-	-	-	-	0.00%
DDA for Administration	10,000	10,000	10,000	2,500	10,000	-	0.00%
Reese Playfield Fund	76,746	-	-	-	-	-	0.00%
RLF for Administration	5,000	5,000	5,000	1,250	5,000	-	0.00%
Budget Stabilization Fund	-	500,000	500,000	-	500,000	-	0.00%
Hackley Park Memorial Fund	9,997	-	-	-	-	-	0.00%
	$ 180,985	$ 576,360	$ 595,000	$ 16,947	$ 595,000	$ -	0.00%
Total general fund revenues and other sources	$ 23,617,163	$ 23,328,756	$ 23,244,860	$ 8,118,629	$ 22,793,249	$ (451,611)	-1.94%

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
	I. Customer Value Added Activities								
40301	**Police Department**								
5100	Salaries & Benefits	$ 5,848,623	$ 6,068,410	$ 6,834,819	$ 1,310,863	19%	$ 6,834,819	$ -	0.00%
5200	Operating Supplies	148,091	100,795	147,961	20,695	14%	147,961	-	0.00%
5300	Contractual Services	981,682	907,969	920,000	239,069	26%	920,000	-	0.00%
5400	Other Expenses	73,558	15,774	40,000	5,418	14%	40,000	-	0.00%
5700	Capital Outlays	125,512	30,581	15,000	1,427	10%	15,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 7,177,466	$ 7,123,529	$ 7,957,780	$ 1,577,472	20%	$ 7,957,780	$ -	0.00%
		$ 7,177,466	$ 7,123,529	$ 7,957,780	$ 1,577,472	20%	$ 7,957,780	$ -	0.00%
50336	**Fire Department**								
5100	Salaries & Benefits	$ 2,964,455	$ 3,037,824	$ 3,155,178	$ 665,516	21%	$ 3,155,178	$ -	0.00%
5200	Operating Supplies	105,122	95,604	79,500	16,520	21%	79,500	-	0.00%
5300	Contractual Services	165,970	187,853	180,000	30,596	17%	175,000	(5,000)	-2.78%
5400	Other Expenses	20,731	12,378	10,000	293	3%	10,000	-	0.00%
5700	Capital Outlays	57,570	98,132	15,000	15,548	78%	20,000	5,000	33.33%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 3,313,848	$ 3,431,791	$ 3,439,678	$ 728,473	21%	$ 3,439,678	$ -	0.00%
50387	**Fire Safety Inspections**								
5100	Salaries & Benefits	$ 693,916	$ 761,792	$ 785,804	$ 173,901	22%	$ 785,804	$ -	0.00%
5200	Operating Supplies	22,393	18,780	24,000	6,422	27%	24,000	-	0.00%
5300	Contractual Services	266,610	152,279	244,330	35,495	15%	244,330	-	0.00%
5400	Other Expenses	11,903	11,094	7,500	1,250	17%	7,500	-	0.00%
5700	Capital Outlays	11,536	3,616	3,000	-	0%	3,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 1,006,358	$ 947,561	$ 1,064,634	$ 217,068	20%	$ 1,064,634	$ -	0.00%
		$ 4,320,206	$ 4,379,352	$ 4,504,312	$ 945,541	21%	$ 4,504,312	$ -	0.00%
60523	**General Sanitation**								
5100	Salaries & Benefits	$ 67,465	$ 75,757	$ 75,333	$ 13,971	19%	$ 75,333	$ -	0.00%
5200	Operating Supplies	344	109	-	-	N/A	-	-	0.00%
5300	Contractual Services	1,406,612	1,491,309	1,444,802	229,904	16%	1,444,802	-	0.00%
5400	Other Expenses	794	65	-	-	N/A	-	-	0.00%
5700	Capital Outlays	44,725	41,399	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 1,519,940	$ 1,608,639	$ 1,520,135	$ 243,875	16%	$ 1,520,135	$ -	0.00%

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
60528	**Recycling**								
5100	Salaries & Benefits			$ -		N/A	$ -	$ -	0.00%
5200	Operating Supplies			-		N/A	-	-	0.00%
5300	Contractual Services	218,067	230,058	140,179	26,605	19%	140,179	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	3,250	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 218,067	$ 233,308	$ 140,179	$ 26,605	19%	$ 140,179	$ -	0.00%
60550	**Stormwater Management**								
5100	Salaries & Benefits	$ 7,372	$ 3,835	$ -	$ -	N/A	$ -	$ -	0.00%
5200	Operating Supplies	-	501	-	-	N/A	-	-	0.00%
5300	Contractual Services	16,352	2,569	15,429	-	0%	15,429	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 23,724	$ 6,905	$ 15,429	$ -	0%	$ 15,429	$ -	0.00%
60448	**Streetlighting**								
5100	Salaries & Benefits	$ 12,983	$ 842	$ -	$ -	N/A	$ -	$ -	0.00%
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%
5300	Contractual Services	505,079	504,832	515,000	128,496	25%	515,000	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	4,350	3,850	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 522,412	$ 509,524	$ 515,000	$ 128,496	25%	$ 515,000	$ -	0.00%
60707	**Senior Citizen Transit**								
5100	Salaries & Benefits	$ 44,863	$ 38,746	$ 50,968	$ 7,047	15%	$ 48,420	$ (2,548)	-5.00%
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%
5300	Contractual Services	10,140	10,140	10,140	2,340	23%	10,140	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 55,003	$ 48,886	$ 61,108	$ 9,387	16%	$ 58,560	$ (2,548)	-4.17%
60446	**Community Event Support**								
5100	Salaries & Benefits	$ 31,192	$ 34,581	$ -	$ 11,126	28%	$ 40,000	$ 40,000	0.00%
5200	Operating Supplies	1,524	2,949	-	2,296	23%	10,000	10,000	0.00%
5300	Contractual Services	11,004	17,574	15,429	574	4%	15,429	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 43,720	$ 55,104	$ 15,429	$ 13,996	21%	$ 65,429	$ 50,000	324.07%
		$ 2,382,866	$ 2,462,366	$ 2,267,280	$ 422,359	18%	$ 2,314,732	$ 47,452	

City of Muskegon
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General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
70751	**Parks Maintenance**								
5100	Salaries & Benefits	$ 476,360	$ 478,197	$ 529,253	$ 83,777	16%	$ 529,253	$ -	0.00%
5200	Operating Supplies	150,285	140,573	112,695	5,449	5%	112,695	-	0.00%
5300	Contractual Services	601,199	586,465	534,700	81,528	15%	534,700	-	0.00%
5400	Other Expenses	2,548	168	-	-	N/A	-	-	0.00%
5700	Capital Outlays	152,224	85,387	53,500	969	2%	53,500	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 1,382,616	$ 1,290,790	$ 1,230,148	$ 171,723	14%	$ 1,230,148	$ -	0.00%
70757	**Mc Graft Park Maintenance**								
5100	Salaries & Benefits	$ 6,059	$ 8,765	$ 16,364	$ 1,075	7%	$ 16,364	$ -	0.00%
5200	Operating Supplies	4,135	5,306	4,500	178	4%	4,500	-	0.00%
5300	Contractual Services	30,762	30,830	25,424	2,304	9%	25,424	-	0.00%
5400	Other Expenses	56	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	39	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 41,012	$ 44,940	$ 46,288	$ 3,557	8%	$ 46,288	$ -	0.00%
70775	**General & Inner City Recreation**								
5100	Salaries & Benefits	$ 281,055	$ 290,235	$ 245,139	$ 27,027	11%	$ 245,139	$ -	0.00%
5200	Operating Supplies	58,590	41,843	45,246	9,721	21%	45,246	-	0.00%
5300	Contractual Services	137,912	123,619	100,598	9,227	9%	100,598	-	0.00%
5400	Other Expenses	10,375	6,967	2,720	606	22%	2,720	-	0.00%
5700	Capital Outlays	-	2,127	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 487,932	$ 464,791	$ 393,703	$ 46,581	12%	$ 393,703	$ -	0.00%
70276	**Cemeteries Maintenance**								
5100	Salaries & Benefits	$ 188,401	$ 205,975	$ 214,962	$ 49,058	23%	$ 214,962	$ -	0.00%
5200	Operating Supplies	22,607	10,846	14,087	452	3%	14,087	-	0.00%
5300	Contractual Services	258,681	251,300	229,250	15,572	7%	229,250	-	0.00%
5400	Other Expenses	1,121	751	-	138	N/A	-	-	0.00%
5700	Capital Outlays	14,626	41,908	21,000	313	1%	21,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 485,436	$ 510,780	$ 479,299	$ 65,533	14%	$ 479,299	$ -	0.00%
70585	**Parking Operations**								
5100	Salaries & Benefits	$ 14,831	$ 18,010	$ -	$ 1,214	49%	$ 2,500	$ 2,500	0.00%
5200	Operating Supplies	1,032	1,738	3,000	-	0%	500	(2,500)	-83.33%
5300	Contractual Services	40,972	235,608	20,144	13,437	67%	20,144	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	4,503	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 61,338	$ 255,356	$ 23,144	$ 14,651	63%	$ 23,144	$ -	0.00%
70771	**Forestry**								
5100	Salaries & Benefits	$ 84,297	$ 103,509	$ 59,121	$ 16,936	29%	$ 59,121	$ -	0.00%
5200	Operating Supplies	6,024	8,075	8,360	163	2%	8,360	-	0.00%
5300	Contractual Services	13,864	21,692	17,000	2,987	18%	17,000	-	0.00%
5400	Other Expenses	394	940	800	180	23%	800	-	0.00%
5700	Capital Outlays	2,844	2,458	3,500	16	0%	3,500	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 107,423	$ 136,674	$ 88,781	$ 20,282	23%	$ 88,781	$ -	0.00%

City of Muskegon
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General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
70863	**Farmers' Market & Flea Market**								
5100	Salaries & Benefits	$ 29,241	$ 30,792	$ 35,285	$ 4,342	12%	$ 35,285	$ -	0.00%
5200	Operating Supplies	1,644	465	-	-	N/A	-	-	0.00%
5300	Contractual Services	14,292	14,462	4,832	1,596	33%	4,832	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	225	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 45,177	$ 45,944	$ 40,117	$ 5,938	15%	$ 40,117	$ -	0.00%
		$ 2,610,934	$ 2,749,275	$ 2,301,480	$ 328,265	14%	$ 2,301,480	$ -	0.00%
80387	**Environmental Services**								
5100	Salaries & Benefits	$ 173,926	$ 181,136	$ 194,392	$ 31,423	16%	$ 194,392	$ -	0.00%
5200	Operating Supplies	12,389	7,859	9,000	762	8%	9,000	-	0.00%
5300	Contractual Services	300,582	281,831	200,300	7,270	4%	200,300	-	0.00%
5400	Other Expenses	1,505	189	-	-	N/A	-	-	0.00%
5700	Capital Outlays	16,123	3,396	3,000	-	0%	3,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 504,525	$ 474,411	$ 406,692	$ 39,455	10%	$ 406,692	$ -	0.00%
		$ 504,525	$ 474,411	$ 406,692	$ 39,455	10%	$ 406,692	$ -	0.00%
10875	**Other - Contributions to Outside Agencies**								
	Muskegon Area Transit (MATS)	$ 80,163	$ 80,163	$ 80,500	$ 20,041	25%	$ 80,500	-	0.00%
	Neighborhood Association Grants	35,975	29,308	24,000	19,027	79%	24,000	-	0.00%
	Muskegon Area First	46,066	42,000	20,000	5,000	25%	20,000	-	0.00%
	Veterans Memorial Day Costs	8,070	7,898	8,000	-	0%	8,000	-	0.00%
	WMSRDC - Muskegon Area Plan (MAP)	6,151	-	-	-	N/A	-	-	0.00%
	Institute for Healing Racism	4,000	3,000	1,000	1,000	100%	1,000	-	0.00%
	MLK Diversity Program	-	1,000	1,000	-	0%	1,000	-	0.00%
	Muskegon Area Labor Management (MALMC)	1,000	1,000	1,000	-	0%	1,000	-	0.00%
	Sister Cities' Youth Travel	-	-	-	-	N/A	-	-	0.00%
	Muskegon County and Humane Society - Feral Cat Control	14,157	17,890	16,000	5,975	37%	16,000	-	0.00%
	Other	-	-	-	-	N/A	-	-	0.00%
	Contributions To Outside Agencies	$ 195,582	$ 182,259	$ 151,500	$ 51,043	34%	$ 151,500	$ -	0.00%
		$ 195,582	$ 182,259	$ 151,500	$ 51,043	34%	$ 151,500	$ -	0.00%
	Total Customer Value Added Activities	$ 17,191,579	$ 17,371,192	$ 17,589,044	$ 3,364,135	19%	$ 17,636,496	$ 47,452	0.27%
	As a Percent of Total General Fund Expenditures	71.7%	73.3%	74.4%	74.6%		74.4%		

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		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
	II. Business Value Added Activities								
10101	**City Commission**								
5100	Salaries & Benefits	$ 60,555	$ 59,698	$ 62,255	$ 13,058	21%	$ 62,255	$ -	0.00%
5200	Operating Supplies	12,538	9,367	15,000	3,317	22%	15,000	-	0.00%
5300	Contractual Services	48,510	28,258	18,323	153	1%	18,323	-	0.00%
5400	Other Expenses	9,758	6,126	7,500	612	8%	7,500	-	0.00%
5700	Capital Outlays	528	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 131,889	$ 103,449	$ 103,078	$ 17,140	17%	$ 103,078	$ -	0.00%
10102	**City Promotions & Public Relations**								
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%
5200	Operating Supplies	-	2,643	4,000	17	0%	4,000	-	0.00%
5300	Contractual Services	26,499	27,909	21,102	813	4%	21,102	-	0.00%
5400	Other Expenses	8	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 26,507	$ 30,552	$ 25,102	$ 830	3%	$ 25,102	$ -	0.00%
10172	**City Manager**								
5100	Salaries & Benefits	$ 173,154	$ 182,226	$ 199,094	$ 44,046	22%	$ 199,094	$ -	0.00%
5200	Operating Supplies	1,683	1,846	2,750	68	2%	2,750	-	0.00%
5300	Contractual Services	2,563	2,609	3,250	240	7%	3,250	-	0.00%
5400	Other Expenses	3,037	1,646	2,500	392	16%	2,500	-	0.00%
5700	Capital Outlays	102	-	500	-	0%	500	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 180,539	$ 188,327	$ 208,094	$ 44,746	22%	$ 208,094	$ -	0.00%
10145	**City Attorney**								
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%
5200	Operating Supplies	869	869	1,000	-	0%	1,000	-	0.00%
5300	Contractual Services	449,721	383,732	389,121	128,180	33%	389,121	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 450,590	$ 384,601	$ 390,121	$ 128,180	33%	$ 390,121	$ -	0.00%
		$ 789,525	$ 706,929	$ 726,395	$ 190,896	26%	$ 726,395	$ -	0.00%
20173	**Administration**								
5100	Salaries & Benefits	$ 129,504	$ 133,545	$ 142,271	$ 35,009	25%	$ 142,271	$ -	0.00%
5200	Operating Supplies	2,050	1,437	2,000	146	7%	2,000	-	0.00%
5300	Contractual Services	16,255	6,012	20,721	4,131	20%	20,721	-	0.00%
5400	Other Expenses	5,415	2,703	2,000	65	3%	2,000	-	0.00%
5700	Capital Outlays	73	2,013	1,000	-	0%	1,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 153,297	$ 145,710	$ 167,992	$ 39,351	23%	$ 167,992	$ -	0.00%

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		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
20228	**Affirmative Action**								
5100	Salaries & Benefits	$ 84,810	$ 93,074	$ 73,370	$ 16,289	22%	$ 73,370	$ -	0.00%
5200	Operating Supplies	757	528	3,561	94	3%	3,561	-	0.00%
5300	Contractual Services	1,356	1,553	3,561	151	4%	3,561	-	0.00%
5400	Other Expenses	4,187	1,572	3,562	91	3%	3,562	-	0.00%
5700	Capital Outlays	723	977	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 91,833	$ 97,704	$ 84,054	$ 16,625	20%	$ 84,054	$ -	0.00%
20744	**Julia Hackley Internships**								
5100	Salaries & Benefits	$ 8,885	$ 7,837	$ 7,736	$ -	0%	$ 7,736	$ -	0.00%
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 8,885	$ 7,837	$ 7,736	$ -	0%	$ 7,736	$ -	0.00%
20215	**City Clerk & Elections**								
5100	Salaries & Benefits	$ 234,459	$ 237,090	$ 249,985	$ 45,643	18%	$ 249,985	$ -	0.00%
5200	Operating Supplies	45,977	33,167	18,000	2,404	13%	18,000	-	0.00%
5300	Contractual Services	62,596	42,598	32,000	6,494	20%	32,000	-	0.00%
5400	Other Expenses	5,437	5,156	2,000	487	24%	2,000	-	0.00%
5700	Capital Outlays	5,813	1,910	2,000	243	12%	2,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 354,282	$ 319,921	$ 303,985	$ 55,271	18%	$ 303,985	$ -	0.00%
20220	**Civil Service**								
5100	Salaries & Benefits	$ 160,513	$ 176,851	$ 130,763	$ 29,295	22%	$ 130,763	$ -	0.00%
5200	Operating Supplies	15,396	10,642	11,100	1,004	9%	11,100	-	0.00%
5300	Contractual Services	22,138	19,767	22,000	678	3%	22,000	-	0.00%
5400	Other Expenses	9,108	7,534	5,000	186	4%	5,000	-	0.00%
5700	Capital Outlays	1,129	-	1,000	249	25%	1,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 208,284	$ 214,794	$ 169,863	$ 31,412	18%	$ 169,863	$ -	0.00%
		$ 816,581	$ 785,966	$ 733,630	$ 142,659	19%	$ 733,630	$ -	0.00%
30202	**Finance Administration**								
5100	Salaries & Benefits	$ 280,785	$ 297,906	$ 318,031	$ 76,870	24%	$ 318,031	$ -	0.00%
5200	Operating Supplies	6,663	7,010	6,250	804	13%	6,250	-	0.00%
5300	Contractual Services	115,025	87,221	82,000	33,654	41%	82,000	-	0.00%
5400	Other Expenses	3,935	156	500	12	2%	500	-	0.00%
5700	Capital Outlays	4,730	3,784	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 411,138	$ 396,077	$ 406,781	$ 111,340	27%	$ 406,781	$ -	0.00%
30209	**Assessing Services**								
5100	Salaries & Benefits	$ 6,093	$ 6,199	$ 6,437	$ 2,962	46%	$ 6,437	$ -	0.00%
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%
5300	Contractual Services	390,926	394,707	400,000	99,704	25%	400,000	-	0.00%
5400	Other Expenses	60	80	100	-	0%	100	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 397,079	$ 400,986	$ 406,537	$ 102,666	25%	$ 406,537	$ -	0.00%

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30205	**Income Tax Administration**								
5100	Salaries & Benefits	$ 194,487	$ 229,175	$ 256,096	$ 54,227	21%	$ 256,096	$ -	0.00%
5200	Operating Supplies	21,941	20,667	18,250	4,797	26%	18,250	-	0.00%
5300	Contractual Services	49,928	46,251	39,278	5,179	13%	39,278	-	0.00%
5400	Other Expenses	1,410	642	300	94	31%	300	-	0.00%
5700	Capital Outlays	5,807	1,437	1,000	-	0%	1,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 273,573	$ 298,172	$ 314,924	$ 64,297	20%	$ 314,924	$ -	0.00%
30253	**City Treasurer**								
5100	Salaries & Benefits	$ 272,839	$ 290,796	$ 283,261	$ 58,121	21%	$ 283,261	$ -	0.00%
5200	Operating Supplies	32,865	33,750	32,012	3,671	11%	32,012	-	0.00%
5300	Contractual Services	43,750	65,831	36,400	8,653	24%	36,400	-	0.00%
5400	Other Expenses	2,933	545	1,500	104	7%	1,500	-	0.00%
5700	Capital Outlays	12,653	2,652	4,000	-	0%	4,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 365,040	$ 393,574	$ 357,173	$ 70,549	20%	$ 357,173	$ -	0.00%
30248	**Information Systems Administration**								
5100	Salaries & Benefits	$ 235,640	$ 260,209	$ 284,985	$ 67,947	24%	$ 284,985	$ -	0.00%
5200	Operating Supplies	2,345	1,361	4,700	23	0%	4,700	-	0.00%
5300	Contractual Services	66,905	44,653	54,095	1,698	3%	54,095	-	0.00%
5400	Other Expenses	8,049	7,619	4,500	-	0%	4,500	-	0.00%
5700	Capital Outlays	37,893	43,907	27,830	3,225	12%	27,830	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 350,832	$ 357,749	$ 376,110	$ 72,893	19%	$ 376,110	$ -	0.00%
		$ 1,797,662	$ 1,846,558	$ 1,861,525	$ 421,745	23%	$ 1,861,525	$ -	0.00%
60265	**City Hall Maintenance**								
5100	Salaries & Benefits	$ 66,138	$ 67,355	$ 59,345	$ 15,071	25%	$ 59,345	$ -	0.00%
5200	Operating Supplies	15,693	12,925	13,000	528	4%	13,000	-	0.00%
5300	Contractual Services	203,498	188,186	180,000	35,824	20%	180,000	-	0.00%
5400	Other Expenses	-	-	500	5	1%	500	-	0.00%
5700	Capital Outlays	12,500	409	12,500	980	8%	12,500	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 297,829	$ 268,875	$ 265,345	$ 52,408	20%	$ 265,345	$ -	0.00%
		$ 297,829	$ 268,875	$ 265,345	$ 52,408	20%	$ 265,345	$ -	0.00%
80400	**Planning, Zoning and Economic Development**								
5100	Salaries & Benefits	$ 393,435	$ 424,969	$ 420,398	$ 79,036	19%	$ 420,398	$ -	0.00%
5200	Operating Supplies	12,765	14,518	14,000	1,416	10%	14,000	-	0.00%
5300	Contractual Services	44,078	67,030	51,500	7,431	14%	51,500	-	0.00%
5400	Other Expenses	10,293	4,278	2,000	530	27%	2,000	-	0.00%
5700	Capital Outlays	6,239	1,891	2,000	106	5%	2,000	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%
		$ 466,810	$ 512,686	$ 489,898	$ 88,519	18%	$ 489,898	$ -	0.00%
		$ 466,810	$ 512,686	$ 489,898	$ 88,519	18%	$ 489,898	$ -	0.00%
	Total Business Value Added Activities	$ 4,168,407	$ 4,121,014	$ 4,076,793	$ 896,227	22%	$ 4,076,793	$ -	0.00%
	As a Percent of Total General Fund Expenditures	**17.4%**	**17.4%**	**17.3%**	**19.9%**		**17.2%**		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original
	II. Fixed Budget Items								
30999	**Transfers To Other Funds**								
	Major Street Fund	$ 100,000	$ -	$ -	$ -	N/A	$ -	$ -	0.00%
	Local Street Fund	850,000	870,000	620,000	155,000	25%	620,000	-	0.00%
	Budget Stabilization Fund	-	-	-	-	N/A	-	-	0.00%
	L.C. Walker Arena Fund (Operating Subsidy)	271,837	210,000	200,000	50,000	25%	200,000	-	0.00%
	Public Improvement Fund (Fire Equipment Reserve)	150,000	150,000	150,000	37,500	25%	150,000	-	0.00%
	State Grants Fund (Grant Matches)	105,000	10,856	-	-	N/A	-	-	0.00%
	MOD State Rehab Loan Fund	-	-	-	-	N/A	-	-	0.00%
	TIFA Debt Service Fund	-	-	-	-	N/A	-	-	0.00%
	Tree Replacement	-	-	-	-	N/A	-	-	0.00%
		$ 1,476,837	$ 1,240,856	$ 970,000	$ 242,500	25%	$ 970,000	$ -	0.00%
30851	**General Insurance**	$ 281,887	$ 335,805	$ 379,061	$ -	0%	$ 379,061	$ -	0.00%
30906	**Debt Retirement**	216,860	217,397	216,816	2,629	1%	216,816	-	0.00%
10891	**Contingency and Bad Debt Expense**	495,550	133,760	400,000	-	0%	400,000	-	0.00%
90000	**Major Capital Improvements**	140,414	285,310	-	5,804	58%	10,000	10,000	0.00%
	Total Fixed-Budget Items	$ 2,611,548	$ 2,213,128	$ 1,965,877	$ 250,933	13%	$ 1,975,877	$ 10,000	0.51%
	As a Percent of Total General Fund Expenditures	**10.9%**	**9.3%**	**8.3%**	**5.6%**		**8.3%**		
	Total General Fund	$ 23,971,534	$ 23,705,334	$ 23,631,714	$ 4,511,295	19%	$ 23,689,166	$ 57,452	0.24%
	Recap: Total General Fund By Expenditure Object								
5100	Salaries & Benefits	$ 13,226,336	$ 13,805,336	$ 14,690,645	$ 2,934,850	20%	$ 14,730,597	$ 39,952	0.27%
5200	Operating Supplies	705,722	586,173	593,972	80,947	13%	601,472	7,500	1.26%
5300	Contractual Services	7,496,547	7,108,531	6,901,469	1,211,026	18%	6,896,469	(5,000)	-0.07%
5400	Other Expenses	186,615	86,383	92,982	10,463	11%	92,982	-	0.00%
5700	Capital Outlays	662,617	660,658	165,830	28,880	16%	180,830	15,000	9.05%
5900	All Other Financing Uses	1,693,697	1,458,253	1,186,816	245,129	21%	1,186,816	-	0.00%
	Total General Fund	$ 23,971,534	$ 23,705,334	$ 23,631,714	$ 4,511,295	19%	$ 23,689,166	$ 57,452	0.24%

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

202 Major Streets and State Trunklines Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Fund Balance - BOY	$ 2,361,992	$ 1,622,095	$ 443,895	$ 1,413,112		$ 1,413,112	$ 969,217		
	Means of Financing									
	Special assessments	$ 324,200	$ 358,650	$ 250,000	$ -		$ 250,000	$ -	0.00%	
	Federal grants	3,487,352	1,275,245	841,660	-		876,354	34,694	4.12%	STP/TEDF GRANTS (HACKLEY, MC CRACKEN, SHERMAN PROJECTS)
	State grants	91,973	4,561,233	6,000,000	387,403		7,365,000	1,365,000	22.75%	SHORELINE DRIVE GRANTS
	State shared revenue	2,582,023	2,499,758	2,870,326	198,695		2,870,326	-	0.00%	
	Interest income	95,702	169,533	50,000	22,946		70,000	20,000	40.00%	
	Operating transfers in	100,000	-	-	-		-	-	0.00%	
	Other	2,635,118	439,276	300,000	6,897		300,000	-	0.00%	
		$ 9,316,368	$ 9,303,695	$ 10,311,986	$ 615,941		$ 11,731,680	$ 1,419,694	13.77%	
60900	**Operating Expenditures**									
5100	Salaries & Benefits	$ 608,476	$ 617,857	$ 1,004,582	$ 215,111	21%	$ 1,004,582	$ -	0.00%	
5200	Operating Supplies	194,808	165,364	209,200	89,328	43%	209,200	-	0.00%	
5300	Contractual Services	976,042	963,237	843,696	297,803	35%	843,696	-	0.00%	
5400	Other Expenses	6,082	5,351	4,000	254	6%	4,000	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	3,059,793	1,172,474	937,326		0%	937,326	-	0.00%	DEBT SERVICE & TRANSFER TO LOCAL STREETS $300,000 IN 2003/04
		$ 4,845,201	$ 2,924,283	$ 2,998,804	$ 602,496	20%	$ 2,998,804	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	5,211,064	6,588,395	7,560,000	517,420	6%	9,317,000	1,757,000	23.24%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ 5,211,064	$ 6,588,395	$ 7,560,000	$ 517,420	6%	$ 9,317,000	$ 1,757,000	23.24%	
		$ 10,056,265	$ 9,512,678	$ 10,558,804	$ 1,119,916	9%	$ 12,315,804		16.64%	
	Available Fund Balance - EOY	$ 1,622,095	$ 1,413,112	$ 197,077	$ 909,137		$ 828,988	$ 631,911		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

Code		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
203	**Local Streets Fund**									
	Available Fund Balance - BOY	$ 156,747	$ 9,701	$ 2,866	$ 145,643		$ 145,643	$ 142,777		
	Means of Financing									
	Special assessments	$ 143,845	$ 240,782	$ 125,000	$ -		$ 125,000	$ -	0.00%	
	Federal grants	-	-	-	-		-	-	0.00%	
	State grants	-	1,366,771	-	-		-	-	0.00%	
	Metro act fees	-	-	-	-		140,000	140,000	0.00%	MOVED FROM GENERAL FUND
	State shared revenue	638,602	666,649	693,934	54,910		693,934	-	0.00%	
	Interest income	14,516	15,133	1,000	193		1,000	-	0.00%	
	Operating transfers in	1,050,000	1,370,000	950,000	155,000		950,000	-	0.00%	GENERAL FUND TRANSFER; $300,000 TRANSFER FROM MAJOR ST.
	Other	806	587	270,000	566		270,000	-	0.00%	POSSIBLE CONTRIBUTION FROM MCC FOR TECH CENTER ROAD
		$ 1,847,769	$ 3,659,922	$ 2,039,934	$ 210,669		$ 2,179,934	$ 140,000	6.86%	
60900	**Operating Expenditures**									
5100	Salaries & Benefits	$ 546,438	$ 486,434	$ 463,828	$ 174,903	38%	$ 463,828	$ -	0.00%	
5200	Operating Supplies	115,491	129,511	93,500	4,167	4%	93,500	-	0.00%	
5300	Contractual Services	705,199	631,566	604,441	201,268	33%	604,441	-	0.00%	
5400	Other Expenses	1,769	1,566	1,000	224	22%	1,000	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	124,113	64,169	-	-	N/A	-	-	0.00%	
		$ 1,493,010	$ 1,313,246	$ 1,162,769	$ 380,582	33%	$ 1,162,769	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	501,805	2,210,734	860,000	92,907	19%	492,000	(368,000)	-42.79%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
		$ 501,805	$ 2,210,734	$ 860,000	$ 92,907	19%	$ 492,000	$ (368,000)	-42.79%	
		$ 1,994,815	$ 3,523,980	$ 2,022,769	$ 473,489	29%	$ 1,654,769		-18.19%	
	Available Fund Balance - EOY	$ 9,701	$ 145,643	$ 20,031	$ (117,177)		$ 670,808	$ 650,777		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
254 L.C. Walker Arena Fund									
Available Fund Balance - BOY	$ 19,133	$ 34,476	$ 33,195	$ 37,589		$ 37,589	$ 4,394		
Means of Financing									
Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
State grants	-	-	-	-		-	-	0.00%	
State shared revenue	-	-	-	-		-	-	0.00%	
Charges for services	623,382	597,288	625,000	238,593		625,000	-	0.00%	
Interest income	-	1,331	500	47		500	-	0.00%	
Operating transfers in - General Fund	271,837	330,000	200,000	50,000		200,000	-	0.00%	
Operating transfers in - TIFA Fund	-	-	60,000	-		60,000	-	0.00%	
Other	371	3,066	1,000	-		1,000	-	0.00%	
	$ 895,590	$ 931,685	$ 886,500	$ 288,640		$ 886,500	$ -	0.00%	
70805 Operating Expenditures									
5100 Salaries & Benefits	$ 11,942	$ 12,394	$ 13,247	$ 3,357	25%	$ 13,247	$ -	0.00%	
5200 Operating Supplies	-	-	-	-	N/A	-	-	0.00%	
5300 Contractual Services	863,565	916,178	890,000	269,255	30%	890,000	-	0.00%	
5400 Other Expenses	-	-	-	-	N/A	-	-	0.00%	
5700 Capital Outlays	4,740	-	-	-	N/A	-	-	0.00%	
5900 Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
	$ 880,247	$ 928,572	$ 903,247	$ 272,612	30%	$ 903,247	$ -	0.00%	
90000 Project Expenditures									
5200 Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300 Contractual Services	-	-	-	54,144	21%	260,000	260,000	0.00%	
	$ -	$ -	$ -	$ 54,144	21%	$ 260,000	$ 260,000	0.00%	
	$ 880,247	$ 928,572	$ 903,247	$ 326,756	28%	$ 1,163,247		28.79%	
Available Fund Balance - EOY	$ 34,476	$ 37,589	$ 16,448	$ (527)		$ (239,158)	$ (255,606)		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

403 Sidewalk Improvement Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Fund Balance - BOY	$ (95,006)	$ (55,002)	$ 1,094,083	$ 1,032,893		$ 1,032,893	$ (61,190)		
	Means of Financing									
	Special assessments	$ 408,133	$ 345,052	$ 400,000	$ -		$ 400,000	$ -	0.00%	
	Federal grants	-	-	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	-	-	-	-		-	-	0.00%	
	Interest income	54,434	66,211	10,000	1,397		25,000	15,000	150.00%	
	Operating transfers in	195,201	89,218	50,000	-		50,000	-	0.00%	FROM STREET FUNDS FOR HANDICAP RAMPS
	Other	-	1,578,012	-	-		-	-	0.00%	
		$ 657,768	$ 2,078,493	$ 460,000	$ 1,397		$ 475,000	$ 15,000	3.26%	
30906	**Operating Expenditures**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%	
5300	Contractual Services	-	1,013	-	-	N/A	-	-	0.00%	
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	245,122	291,956	466,498	-	0%	466,498	-	0.00%	DEBT SERVICE ON SIDEWALK ASSESSMENT BONDS
		$ 245,122	$ 292,969	$ 466,498	$ -	0%	$ 466,498	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	372,642	697,629	350,000	4,352	2%	225,000	(125,000)	-35.71%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
5400	Other Expenses	-	-		-	N/A		-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
		$ 372,642	$ 697,629	$ 350,000	$ 4,352	2%	$ 225,000	$ (125,000)	-35.71%	
		$ 617,764	$ 990,598	$ 816,498	$ 4,352	1%	$ 691,498		-15.31%	
	Available Fund Balance - EOY	$ (55,002)	$ 1,032,893	$ 737,585	$ 1,029,938		$ 816,395	$ 78,810		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

404 Public Improvement Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Fund Balance - BOY	$ 1,564,898	$ 985,797	$ 1,113,797	$ 1,408,432		$ 1,408,432	$ 294,635		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	Property taxes	-	-	-	-		-	-	0.00%	
	Federal grants	-	-	-	-		-	-	0.00%	
	State grants	52,850	390,600						0.00%	
	Contributions	-	-	-	-		-	-	0.00%	
	Sales of Property	70,725	47,939	550,000	30,987		300,000	(250,000)	-45.45%	SEAWAY INDUSTRIAL AND OTHER LAND SALES
	Interest income	32,294	16,347	20,000	2,006		10,000	(10,000)	-50.00%	
	Operating transfers in	150,000	150,000	150,000	37,500		1,075,000	925,000	616.67%	GENERAL FUND TRANSFER - FIRE EQUIPMENT RESERVE ($150,000) AND RLF TRANSFER FOR CROSS-LAKE FERRY ($925,000)
	Other	39,352	75,454	-	-		-	-	0.00%	
		$ 345,221	$ 680,340	$ 720,000	$ 70,493		$ 1,385,000	$ 665,000	92.36%	
30936	**Operating Expenditures**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%	
5300	Contractual Services	60,350	-	5,000	-	0%	5,000	-	0.00%	
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	404	N/A	-	-	0.00%	
5900	Other Financing Uses	-	150,000	150,000	-	0%	150,000	-	0.00%	URBAN LAND ASSEMBLY (ULA) LOAN PAYMENT - TO BE PAID FROM GENERAL FUND IN 2005 AND FUTURE YEARS
		$ 60,350	$ 150,000	$ 155,000	$ 404	0%	$ 155,000	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	70,011	9,437	-	401	N/A	-	-	0.00%	
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	793,961	98,268	375,000	270,653	14%	1,975,000	1,600,000	426.67%	CROSSLAKE FERRY ($1.6 MILLION); FIRETRUCK $375,000
		$ 863,972	$ 107,705	$ 375,000	$ 271,054	14%	$ 1,975,000	$ 1,600,000	426.67%	
		$ 924,322	$ 257,705	$ 530,000	$ 271,458	13%	$ 2,130,000		301.89%	
	Available Fund Balance - EOY	$ 985,797	$ 1,408,432	$ 1,303,797	$ 1,207,467		$ 663,432	$ (640,365)		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

482 State Grants Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Fund Balance - BOY	$ -	$ -	$ -	$ 1,519		$ 1,519	$ 1,519		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	984,837	882,403	660,076	-		660,076	-	0.00%	
	Federal grants	-	-	-	-		-	-	0.00%	
	Sales of Property	-	-	-	-		-	-	0.00%	
	Interest income	-	-	-	-		-	-	0.00%	
	Operating transfers in	110,612	235,242	-	-		-	-	0.00%	LOCAL MATCHES
	Other	10,000	25,000	-	-		-	-	0.00%	
		$ 1,105,449	$ 1,142,645	$ 660,076	$ -		$ 660,076	$ -	0.00%	
30936	**Operating Expenditures**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%	
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%	
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	TRANSFER TO LOCAL STREET FOR SMARTZONE INFRASTRUCTURE
		$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	1,099,837	1,141,126	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	5,612	-	660,076	127,184	19%	660,076	-	0.00%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
		$ 1,105,449	$ 1,141,126	$ 660,076	$ 127,184	19%	$ 660,076	$ -	0.00%	
		$ 1,105,449	$ 1,141,126	$ 660,076	$ 127,184	19%	$ 660,076		0.00%	
	Available Fund Balance - EOY	$ -	$ 1,519	$ -	$ (125,665)		$ 1,519	$ 1,519		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

594 Marina & Launch Ramp Fund

Code	Line Item	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ 66,148	$ (183,560)	$ 5,948	$ (20,982)		$ (20,982)	$ (26,930)		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	37,352	256,612	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	276,736	263,880	280,000	92,610		280,000	-	0.00%	
	Interest income	600	-	-	-		-	-	0.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	575	10,378	-			-	-	0.00%	
		$ 315,263	$ 530,870	$ 280,000	$ 92,610		$ 280,000	$ -	0.00%	
70756	**Operating Expenditures**									
5100	Salaries & Benefits	$ 106,934	$ 113,876	$ 115,247	$ 11,886	10%	$ 115,247	$ -	0.00%	
5200	Operating Supplies	13,030	20,491	13,250	642	5%	13,250	-	0.00%	
5300	Contractual Services	107,812	130,577	114,350	26,299	23%	114,350	-	0.00%	
5400	Other Expenses	1,020	-	-	138	N/A	-	-	0.00%	
5700	Capital Outlays	-	841	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
	Other Cash Uses (e.g. Debt Principal)	(20,980)	(21,576)	-	-	N/A	-	-	0.00%	
		$ 207,816	$ 244,209	$ 242,847	$ 38,965	16%	$ 242,847	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	357,155	124,083	-	-	N/A	-	-	0.00%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ 357,155	$ 124,083	$ -	$ -	N/A	$ -	$ -	0.00%	
		$ 564,971	$ 368,292	$ 242,847	$ 38,965	16%	$ 242,847		0.00%	
	Available Cash Balance - EOY	$ (183,560)	$ (20,982)	$ 43,101	$ 32,663		$ 16,171	$ (26,930)		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

584 Municipal Golf Course Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ 492,650	$ 498,322	$ 276,322	$ 281,351		$ 281,351	$ 5,029		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	-	-	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	-	-	-	-		-	-	0.00%	
	Interest income	11,985	8,715	2,000	1,466		2,000	-	0.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	-	-	-	-		-	-	0.00%	
		$ 11,985	$ 8,715	$ 2,000	$ 1,466		$ 2,000	$ -	0.00%	
70542	**Operating Expenditures**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%	
5300	Contractual Services	-	1,300	-	-	N/A	-	-	0.00%	
5400	Other Expenses	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	6,313	224,386	-	-	N/A	-	-	0.00%	LOCAL MATCH FOR TRAIL PROJECT GRANTS
	Other Cash Uses (e.g. Debt Principal)	-	-	-	-	N/A	-	-	0.00%	
		$ 6,313	$ 225,686	$ -	$ -	N/A	$ -	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
		$ 6,313	$ 225,686	$ -	$ -	N/A	$ -		0.00%	
	Available Cash Balance - EOY	$ 498,322	$ 281,351	$ 278,322	$ 282,817		$ 283,351	$ 5,029		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

661 Equipment Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ 367,851	$ 657,212	$ 670,926	$ 936,872		$ 936,872	$ 265,946		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	-	-	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	2,287,485	2,299,746	2,150,000	709,866		2,150,000	-	0.00%	INTERDEPARTMENTAL RENTAL CHARGES
	Interest income	10,123	12,813	10,000	2,779		10,000	-	0.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	135,071	110,057	100,000	3,922		100,000	-	0.00%	OUTSIDE SALES OF FUEL, ETC.
		$ 2,432,679	$ 2,422,616	$ 2,260,000	$ 716,567		$ 2,260,000	$ -	0.00%	
60932	**Operating Expenditures**									
5100	Salaries & Benefits	$ 406,279	$ 456,014	$ 477,738	$ 113,499	24%	$ 477,738	$ -	0.00%	
5200	Operating Supplies	523,881	567,402	455,995	100,760	22%	455,995	-	0.00%	
5300	Contractual Services	449,607	498,770	551,072	83,339	15%	551,072	-	0.00%	
5400	Other Expenses	6,034	3,899	5,000	104	2%	5,000	-	0.00%	
5700	Capital Outlays	732,328	600,648	793,480	98,292	12%	793,480	-	0.00%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
	Other Cash Uses (e.g. Debt Principal)	25,189	16,223	-	-	N/A	-	-	0.00%	
		$ 2,143,318	$ 2,142,956	$ 2,283,285	$ 395,994	17%	$ 2,283,285	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
		$ 2,143,318	$ 2,142,956	$ 2,283,285	$ 395,994	17%	$ 2,283,285		0.00%	
	Available Cash Balance - EOY	$ 657,212	$ 936,872	$ 647,641	$ 1,257,445		$ 913,587	$ 265,946		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

642 Public Service Building Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ (110,802)	$ (75,628)	$ (103,250)	$ 124,264		$ 124,264	$ 227,514		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	-	-	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	612,766	612,766	569,872	142,468		569,872	-	0.00%	INTERDEPARTMENTAL RENTAL CHARGES
	Interest Income	-	315	-	171		-	-	0.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	-	14	-	-		-	-	0.00%	
		$ 612,766	$ 613,095	$ 569,872	$ 142,639		$ 569,872	$ -	0.00%	
60442	**Operating Expenditures**									
5100	Salaries & Benefits	$ 177,196	$ 166,589	$ 216,259	$ 46,802	22%	$ 216,259	$ -	0.00%	
5200	Operating Supplies	27,049	21,924	25,950	1,909	7%	25,950	-	0.00%	
5300	Contractual Services	225,738	259,163	283,373	66,358	23%	283,373	-	0.00%	
5400	Other Expenses	11,572	(18,515)	1,000	1,731	173%	1,000	-	0.00%	
5700	Capital Outlays	67,543	32,813	52,000	54,257	40%	135,000	83,000	159.62%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
	Other Cash Uses and Adjustments (e.g. Debt Principal)	68,494	(68,771)	-	-	N/A	-	-	0.00%	
		$ 577,592	$ 413,203	$ 578,582	$ 171,057	26%	$ 661,582	$ 83,000	14.35%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
		$ 577,592	$ 413,203	$ 578,582	$ 171,057	26%	$ 661,582		14.35%	
	Available Cash Balance - EOY	$ (75,628)	$ 124,264	$ (111,960)	$ 95,846		$ 32,554	$ 144,514		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

643 Engineering Services Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ 144,167	$ 101,200	$ 56,370	$ 86,869		$ 86,869	$ 30,499		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	-	-	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	488,240	516,169	565,000	120,104		565,000	-	0.00%	INTERDEPARTMENTAL CHARGES
	Interest income	3,000	1,788	4,000	-		4,000	-	0.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	27,206	6,308	50,000	258		50,000	-	0.00%	
		$ 518,446	$ 524,265	$ 619,000	$ 120,362		$ 619,000	$ -	0.00%	
60447	**Operating Expenditures**									
5100	Salaries & Benefits	$ 373,101	$ 362,839	$ 467,131	$ 78,390	17%	$ 467,131	$ -	0.00%	
5200	Operating Supplies	22,198	18,514	18,493	6,768	37%	18,493	-	0.00%	
5300	Contractual Services	136,545	149,159	160,000	29,868	19%	160,000	-	0.00%	
5400	Other Expenses	1,441	2,896	4,000	535	13%	4,000	-	0.00%	
5700	Capital Outlays	6,326	15,265	18,750	1,284	7%	18,750	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
	Other Cash Uses and Adjustments (e.g. Debt Principal)	21,802	(10,077)	-	-	N/A	-	-	0.00%	
		$ 561,413	$ 538,596	$ 668,374	$ 116,845	17%	$ 668,374	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
		$ 561,413	$ 538,596	$ 668,374	$ 116,845	17%	$ 668,374		0.00%	
	Available Cash Balance - EOY	$ 101,200	$ 86,869	$ 6,996	$ 90,386		$ 37,495	$ 30,499		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

677 General Insurance Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ 855,366	$ 884,953	$ 996,633	$ 902,877		$ 902,877	$ (93,756)		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	State grants	-	-	-	-		-	-	0.00%	
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	2,236,965	2,449,390	2,792,318	601,907		2,792,318	-	0.00%	INTERDEPARTMENTAL CHARGES
	Interest income	14,466	11,560	12,000	2,422		12,000	-	0.00%	
	Operating transfers in	1,206,722	1,179,938	1,296,000	-		1,296,000	-	0.00%	TRANSFER FROM PENSION FUNDS FOR RETIREE HEALTH COSTS
	Other	151,517	127,635	25,000	1,311		25,000	-	0.00%	
		$ 3,609,670	$ 3,768,523	$ 4,125,318	$ 605,640		$ 4,125,318	$ -	0.00%	
30851	**Operating Expenditures**									
5100	Salaries & Benefits	$ 41,577	$ 178,161	30,484	$ 56,285	185%	30,484	$ -	0.00%	
5200	Operating Supplies	144	143	300	-	0%	300	-	0.00%	
5300	Contractual Services	3,569,898	3,354,562	4,088,318	1,008,053	25%	4,088,318	-	0.00%	
5400	Other Expenses	860	363	500	-	0%	500	-	0.00%	
5700	Capital Outlays	315	1,148	500	-	0%	500	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
	Other Cash Uses and Adjustments (e.g. Debt Principal)	(32,711)	216,202	-	-	N/A	-	-	0.00%	
		$ 3,580,083	$ 3,750,599	$ 4,120,102	$ 1,064,338	26%	$ 4,120,102	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	-	-	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
		$ 3,580,083	$ 3,750,599	$ 4,120,102	$ 1,064,338	26%	$ 4,120,102		0.00%	
	Available Cash Balance - EOY	$ 884,953	$ 902,877	$ 1,001,849	$ 444,179		$ 908,093			

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
591	**Water Fund**									
	Available Cash Balance - BOY	$ 5,071,320	$ 4,189,460	$ 4,502,864	$ 3,422,264		$ 3,422,264	$ (1,080,600)		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	Federal grants	-	-	-	-		-	-	0.00%	
	State grants	-	-	100,000	-		100,000	-	0.00%	SHORELINE DRIVE
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services - City	3,209,797	2,936,777	4,179,398	1,015		4,179,398	-	0.00%	
	Charges for services - Wholesale	541,130	827,619	510,499	183,739		800,000	289,501	56.71%	
	Maintenance services - Township	-	112,036	200,000	42,269		200,000	-	0.00%	
	Interest income	84,468	51,889	50,000	15,629		30,000	(20,000)	-40.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	215,621	165,925	11,850,000	15,871		10,700,000	(1,150,000)	-9.70%	NEW DEBT ISSUANCE
		$ 4,051,016	$ 4,094,246	$ 16,889,897	$ 258,523		$ 16,009,398	$ (880,499)	-5.21%	
30548	**Operating Expenditures Administration**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	-	20	-	-	N/A	-	-	0.00%	
5300	Contractual Services	433,310	524,932	507,379	107,947	21%	507,379	-	0.00%	INSURANCE/INDIRECT COSTS/ADMINISTRATION FEE
5400	Other Expenses	7,966	5,681	-	360	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	1,023,550	436,560	401,880	4,656	1%	401,880	-	0.00%	INTEREST ON WATER BONDS
	Other Cash Uses and Adjustments (e.g. Debt Principal)	(155,361)	(117,325)	420,000	-	0%	420,000	-	0.00%	PRINCIPAL ON WATER BONDS
		$ 1,309,465	$ 849,868	$ 1,329,259	$ 112,963	8%	$ 1,329,259	$ -	0.00%	
60559	**Operating Expenditures Maintenance - City**									
5100	Salaries & Benefits	$ 712,770	$ 993,724	$ 909,197	$ 189,370	21%	$ 909,197	$ -	0.00%	
5200	Operating Supplies	169,124	246,145	128,885	27,105	21%	128,885	-	0.00%	
5300	Contractual Services	336,967	436,252	495,674	71,630	14%	495,674	-	0.00%	
5400	Other Expenses	33,577	9,788	34,480	783	2%	34,480	-	0.00%	
5700	Capital Outlays	2,256	8,628	14,500	-	0%	14,500	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
		$ 1,254,694	$ 1,694,537	$ 1,582,736	$ 288,888	18%	$ 1,582,736	$ -	0.00%	
60660	**Operating Expenditures Maintenance - Township**									
5100	Salaries & Benefits	$ 203,610	$ 117,799	$ -	$ 18,885	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	10,219	5,494	-	-	N/A	-	-	0.00%	
5300	Contractual Services	126,067	111,495	-	15,602	N/A	-	-	0.00%	
5400	Other Expenses	792	805	-	-	N/A	-	-	0.00%	
5700	Capital Outlays	3,289	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
		$ 343,977	$ 235,593	$ -	$ 34,487	N/A	$ -	$ -	0.00%	
60558	**Operating Expenditures Filtration**									
5100	Salaries & Benefits	$ 476,572	$ 520,119	$ 575,431	$ 118,194	21%	$ 575,431	$ -	0.00%	
5200	Operating Supplies	129,191	149,128	121,679	17,086	14%	121,679	-	0.00%	
5300	Contractual Services	340,767	396,949	472,400	86,670	18%	472,400	-	0.00%	
5400	Other Expenses	4,067	2,333	2,750	1,334	49%	2,750	-	0.00%	
5700	Capital Outlays	37,326	17,928	90,450	2,819	3%	90,450	-	0.00%	
5900	Other Financing Uses	-	-		-	N/A		-	0.00%	
	Replacement Reserve - DWRF	-	-	290,000	-	0%	290,000	-	0.00%	
		$ 987,923	$ 1,086,457	$ 1,552,710	$ 226,103	15%	$ 1,552,710	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	1,036,817	994,987	12,745,000	591,135	5%	12,661,000	(84,000)	-0.66%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ 1,036,817	$ 994,987	$ 12,745,000	$ 591,135	5%	$ 12,661,000	$ (84,000)	-0.66%	
		$ 4,932,876	$ 4,861,442	$ 17,209,705	$ 1,253,576	7%	$ 17,125,705		-0.49%	
	Available Cash Balance - EOY	$ 4,189,460	$ 3,422,264	$ 4,183,056	$ 2,427,211		$ 2,305,957	$ (1,877,099)		

City of Muskegon
Quarterly Budget Reforecast and 2004 Proposed Budget - Non-General Funds

590 Sewer Fund

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through March 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	% Change From 2004 Original	Comments
	Available Cash Balance - BOY	$ 1,027,063	$ 1,231,951	$ 1,558,530	$ 1,046,328		$ 1,046,328	$ (512,202)		
	Means of Financing									
	Special assessments	$ -	$ -	$ -	$ -		$ -	$ -	0.00%	
	Federal grants	-	-	-	-		-	-	0.00%	
	State grants	462,131	-	100,000	-		100,000	-	0.00%	SHORELINE DRIVE
	State shared revenue	-	-	-	-		-	-	0.00%	
	Charges for services	4,009,593	4,008,773	4,500,000	101,779		4,500,000	-	0.00%	
	Interest income	22,263	19,739	40,000	7,839		40,000	-	0.00%	
	Operating transfers in	-	-	-	-		-	-	0.00%	
	Other	7,591	48,971	80,000	-		80,000	-	0.00%	
		$ 4,501,578	$ 4,077,483	$ 4,720,000	$ 109,618		$ 4,720,000	$ -	0.00%	
30548	**Operating Expenditures Administration**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5200	Operating Supplies	-	-	-	-	N/A	-	-	0.00%	
5300	Contractual Services	370,396	388,912	312,969	61,995	20%	312,969	-	0.00%	INSURANCE/INDIRECT COSTS/ADMINISTRATION FEE
5400	Other Expenses	13,300	6,865	-	427	N/A	-	-	0.00%	
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
5900	Other Financing Uses	741,054	-	111,056	89,257	80%	111,056	-	0.00%	INTEREST ON SEWER BONDS
	Other Cash Uses and Adjustments (e.g. Debt Principal)	32,972	507,081	455,308	-	0%	455,308	-	0.00%	PRINCIPAL ON SEWER BONDS
		$ 1,157,722	$ 902,858	$ 879,333	$ 151,679	17%	$ 879,333	$ -	0.00%	
60559	**Operating Expenditures Maintenance**									
5100	Salaries & Benefits	$ 659,059	$ 609,560	$ 805,286	$ 136,682	17%	$ 805,286	$ -	0.00%	
5200	Operating Supplies	95,733	44,036	63,159	1,946	3%	63,159	-	0.00%	
5300	Contractual Services	1,579,258	1,588,736	1,974,687	335,286	17%	1,974,687	-	0.00%	
5400	Other Expenses	3,004	2,248	2,500	150	6%	2,500	-	0.00%	
5700	Capital Outlays	4,055	9,096	8,000	-	0%	8,000	-	0.00%	
5900	Other Financing Uses	-	-	-	-	N/A	-	-	0.00%	
		$ 2,341,109	$ 2,253,676	$ 2,853,632	$ 474,064	17%	$ 2,853,632	$ -	0.00%	
90000	**Project Expenditures**									
5200	Operating Supplies	$ -	$ -	$ -	$ -	N/A	$ -	$ -	0.00%	
5300	Contractual Services	797,859	1,106,572	945,000	213,628	24%	874,000	(71,000)	-7.51%	SEE "BUDGETED CAPITAL IMPROVEMENTS" FOR DETAIL
5700	Capital Outlays	-	-	-	-	N/A	-	-	0.00%	
		$ 797,859	$ 1,106,572	$ 945,000	$ 213,628	24%	$ 874,000	$ (71,000)	-7.51%	
		$ 4,296,690	$ 4,263,106	$ 4,677,965	$ 839,371	18%	$ 4,606,965		-1.52%	
	Available Cash Balance - EOY	$ 1,231,951	$ 1,046,328	$ 1,600,565	$ 316,575		$ 1,159,363			

		Responsibility	Original Budget	1st Quarter Budget Reforecast	2nd Quarter Budget Reforecast	3rd Quarter Budget Reforecast	Comments
City of Muskegon							
Quarterly Budget Reforecast and 2004 Proposed Budget							
	2004 PROJECTS						
101	**General Fund**						
	No Major Capital Projects Budgeted		$ -	$ -			
202	**Major Streets**						
91032	Mc Cracken, Sherman to Lakeshore Drive	Al-Shatel	600,000	950,000			Reconstruct and Service Replacements ($552,354 STP Grant)
92012	Sherman, Lincoln to Beach	Al-Shatel	500,000	450,000			Reconstruct and Service Replacements ($324,000 STP Grant)
92026	Walnut, Wilcox to Thompson (100')	Al-Shatel	35,000	35,000			Resurface Walnut and Reconstruct Cherry w/Watermain
93004	Beidler, Laketon to Southern (1600')	Al-Shatel	200,000	10,000			Special Assessment Failed
93005	Strong, Jefferson to Peck (700')	Al-Shatel	120,000	95,000			Reconstruct w/Watermain
93006	Campus, Jefferson to Washington (500')	Al-Shatel	80,000	150,000			Reconstruct
96017	Shoreline Drive East (Incl Terrace Extension, Spring, and We	Al-Shatel	3,000,000	4,500,000			New Construction - Funded by $8.80 million Build Michigan Fund
91635	Shoreline Drive from Terrace to Southern	Al-Shatel	3,000,000	3,000,000			Resurfacing - Funded by $3.05 million Build Michigan Fund
96059	Sidewalks - Handicap Ramps	Al-Shatel	25,000	20,000			
93023	Western Ave - Pine to Terrace	Al-Shatel	-	100,000			Reconstruct, could use Build Michigan Funds
	State Jobs from past years	Al-Shatel	-	7,000			
			7,560,000	9,317,000			
203	**Local Streets**						
93007	Hudson, Forest to Southern (400')	Al-Shatel	65,000	7,000			Special Assessment Failed
93008	Yuba Street, Eastern to Sumner (1500')	Al-Shatel	250,000	12,000			Special Assessment Failed
93009	Ridge, Cumberland to Wickham (700')	Al-Shatel	90,000	8,000			Special Assessment Failed
93010	Torrent, LeTart to Sherman (350')	Al-Shatel	50,000	60,000			New Construction - Gravel
92018	Harvey, Marquette to Stebbins (2700') and Water Loop	Al-Shatel	250,000	250,000			Resurface w/12" Water Loop for Tech Center Building; Contingent Upon MCC Reimbursement
93012	Austin, Barney to Delano	Al-Shatel	130,000	135,000			Reconstruct
96059	Sidewalks - Handicap Ramps	Al-Shatel	25,000	20,000			
			860,000	492,000			
254	**L.C. Walker Arena**						
93015	Siemens Energy Improvements	Scott	-	260,000			Financed With Interfund Borrowing
403	**Sidewalks**						
96059	2004 Sidewalk Replacement Program	Al-Shatel	350,000	225,000			Financed With Special Assessment Bonds
404	**Public Improvement Fund**						
96051	Fire Quint	Kleibecker	375,000	375,000			
93022	Cross Lake Ferry Improvements	Mazade	-	1,600,000			$900,000 FROM RLF FUND
			375,000	1,975,000			
482	**State Grants Fund**						
91008	Core Communities Initiative (Teledyne-Boardwalk)	Brubaker-Clarke	500,000	500,000			Financed With Core Communities Grant
96096	Site Assessment Projects	Brubaker-Clarke	46,076	46,076			
99080	Lakeshore Trail Phase IV (Shoreline Drive)	Scott	114,000	114,000			
			660,076	660,076			

		Responsibility	Original Budget	1st Quarter Budget Reforecast	2nd Quarter Budget Reforecast	3rd Quarter Budget Reforecast	Comments
City of Muskegon							
Quarterly Budget Reforecast and 2004 Proposed Budget							
	2004 PROJECTS						
590	**Sewer**						
92004	Forest & Madison Lift Station	Al-Shatel	125,000	125,000			Replace Pumps, Panels and Rails
93007	Hudson, Forest to Southern (990')	Al-Shatel	50,000	2,000			Special Assessment Failed
91032	Mc Cracken, Sherman to Lakeshore Drive	Al-Shatel	50,000	50,000			Reconstruct and Service Replacements ($355,830 STP Grant)
93004	Beidler, Laketon to Southern (1600')	Al-Shatel	20,000	2,000			Special Assessment Failed
93016	Sanitary Sewer Upgrades (Barney Liftstation to 12" Main)	Al-Shatel	150,000	-			Added to Austin project
93012	Austin, Barney to Delano	Al-Shatel	50,000	100,000			New Sanitary Sewer Line
96017	Shoreline Drive East (Incl Terrace Extension, Spring, and We	Al-Shatel	100,000	150,000			Street Project - Associated Utility Work
	Sewer Rehab Project	Al-Shatel	400,000	400,000			Possible Pump Station - Young and Henry
93006	Campus, Jefferson to Washington	Al-Shatel	-	35,000			Sanitary sewer main & service
93005	Strong, Jefferson to Peck	Al-Shatel	-	10,000			Service repair
			945,000	874,000			
591	**Water**						
93007	Hudson, Forest to Southern (400')	Al-Shatel	50,000	2,000			Special Assessment Failed
91032	Mc Cracken, Sherman to Lakeshore Drive	Al-Shatel	50,000	300,000			New 12" Watermain and services
93008	Yuba Street, Eastern to Sumner (1500')	Al-Shatel	150,000	2,000			Special Assessment Failed
92021	Herrick, Sumner to Jackson	Al-Shatel	70,000	80,000			DWRF Bond Financed
93004	Beidler, Laketon to Southern (1600')	Al-Shatel	165,000	2,000			Special Assessment Failed
93005	Strong, Jefferson to Peck (700')	Al-Shatel	60,000	60,000			Reconstruct w/Watermain
92018	Harvey, Marquette to Stebbins (2700') and Water Loop	Al-Shatel	800,000	800,000			Resurface w/12" Water Loop for Tech Center Building; Contingent Upon MCC Reimbursement and Muskegon
92005	Nims St. Tank Painting	Al-Shatel	440,000	440,000			
96017	Shoreline Drive East (Incl Terrace Extension, Spring, and We	Al-Shatel	100,000	150,000			Street Project - Associated Utility Work
92006	Water Main Replacements	Al-Shatel	100,000	-			
92007	Breakwall - Beach Street	Kuhn	60,000	-			Delayed Until 2005
97041	Water Filtration Plant Improvements	Kuhn	10,700,000	10,700,000			DWRF Low Interest Loan Funding
93023	Western Ave, Pine to Terrace	Al-Shatel	-	70,000			New 12" Watermain
92026	Walnut, Wilcox to Thompson	Al-Shatel	-	20,000			
93010	Torrent, Sherman to Letart	Al-Shatel	-	35,000			
			12,745,000	12,661,000			
642	**Public Service Building**						
99040	Public Service Building HVAC Energy Upgrades	Kuhn	52,000	135,000			$83,000 Project Costs Not Completed in 2003 as Originally Projected.
661	**Equipment Fund**						
	Patrol Car Replacements (6)	Kuhn	132,000	132,000			Replacement
	Sedans (6)	Kuhn	96,000	96,000			Replacement
	Tractor	Kuhn	80,000	80,000			New
	Blazer	Kuhn	30,000	30,000			Replacement
	Plow Truck Replacements (2)	Kuhn	140,000	140,000			Replacement
	Small Dump Trucks (3)	Kuhn	75,000	75,000			Replacement
	Mini-Pickup Trucks (4)	Kuhn	72,000	72,000			Replacement
	Loader	Kuhn	98,000	98,000			Replacement
	Toro Seaway	Kuhn	20,000	20,000			Replacement
	40CY Dumpbox	Kuhn	20,000	20,000			New
	Radios and Various Other Minor Equipment	Kuhn	30,480	30,480			Replacement
			793,480	793,480			
			$ 10,650,556	$ 12,362,556			

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Transmittal of 2003 *Comprehensive Annual Financial Report*

SUMMARY OF REQUEST: The City's *2003 Comprehensive Annual Financial Report* (CAFR) has previously been distributed to City Commissioners. At this time the CAFR is being formally transmitted to the Commission in accordance with state law. The 2003 CAFR has been prepared in accordance with GASB 34 accounting standards. Should the Commission wish to do so, staff and the independent auditors are prepared to conduct an in-depth work session to focus on the CAFR as well as City finances in general.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2003 and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Acceptance of the 2003 CAFR.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

Date: April 13, 2004

To: Honorable Mayor and City Commissioners

From: Ric Scott

RE: Summer Celebration Request

SUMMARY OF REQUEST:

Summer Celebration is asking that the City waive the rental charges for the use of City equipment during the festival.

FINANCIAL IMPACT:

Not known

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The Leisure Services Board did not make a recommendation. They requested more information be provided in order to make a decision.

Date: April 13, 2004

To: Honorable Mayor and City Commissioners

From: Ric Scott

Re: Summer Celebration Request

Summer Celebration is requesting that the rental fees for various city equipment be waived for this year's festival. This would include garbage cans, barricades, picnic tables, etc. I would guess that the fee would be less than $5,000, but we really don't know what it will be at this time. They will be paying for all staff time, however.

At their meeting on Monday, April 19th, the Leisure Services Board did not make a recommendation. The board requested a list of equipment and fees be provided along with a liability waiver.

Staff would recommend approval of the request.

Thank you for your consideration.

SUMMER CELEBRATION EQUIPMENT RENTAL REQUESTS

Equipment	Quantity	Rental Rate	Total Cost
Barricades (type III)	55	$5/day	$475
Barricades (Type I)	14	$3/day	$90
Cones	325	$1/day	$425
Temp. No Park signs	285	$1/day	$485
Warning signs	51	$2/day	$162
Hydrant Trees	2	NC	$0
Hackley Fencing	1	$300	$300
Park Benches	2	$10	$20
Bleachers	4	$125	$500
Stage	1	$500	$500
Picnic Tables	50	$10	$500
Total			$3,457

2004 New Purchase items or rentals				
Purchases				
	Wood Snow Fence	$ 850.00	34-50' rolls	
	Fence posts	$ 837.00	300	
	Plastic Snow Fence	$ 559.50	10-100' rolls	
	Barricades	$ 900.00	10	
	Traffic Cones	$ 158.00	40	
	Billy Goat	$ 800.00	2	
	Leaf Blowers	$ 250.00	2	
	Trailer	$ 2,000.00	1	
Rentals				
	Bucket Truck	$ 1,400.00	1 month rental	
	Extra Carts	$ 1,200.00	2-1 month rental	
		$ 8,954.50		

Commission Meeting Date: April 27, 2004

Date: **April 20, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development**

RE: **Sale of Marginal Lots at 348 and 372 Dratz Street**

SUMMARY OF REQUEST:

To approve the sale of two vacant marginal lots (Parcel #24-613-000-0764-00 and #24-613-000-0766-00) at 348 and 372 Dratz Street to Terry Kunnen, Jr., of 354 Dratz Street, Muskegon, MI. Approval of this sale will allow Mr. Kunnen to expand his current yard. (see attached map). The property located to the North of Mr. Kunnen has an occupied, tax-reverted house located on it. These lots are being offered to Mr. Kunnen for $1 each under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

The sale of these lots will allow the properties to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004- 41(g)

RESOLUTION APPROVING THE SALE OF 2 CITY-OWNED NON-BUILDABLE LOTS

WHEREAS, the City of Muskegon has received $2 from Terry A. Kunnen, Jr., 354 Dratz Street, Muskegon, MI 49442 for the purchase of 2 vacant, City-owned lots located adjacent to his property at 348 & 372 Dratz Street (parcel #24-613-000-0764-00 and #24-613-000-0766-00); and

WHEREAS, these lots are considered marginal under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place these properties back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of these properties would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4 LOT 764 and CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4 LOT 766 be sold to Terry A. Kunnen, Jr. for $1 each.

Resolution adopted this 27th day of April, 2004.

Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

Absent: None

By: ______________________
Stephen J. Warmington
Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC
Clerk

CERTIFICATION

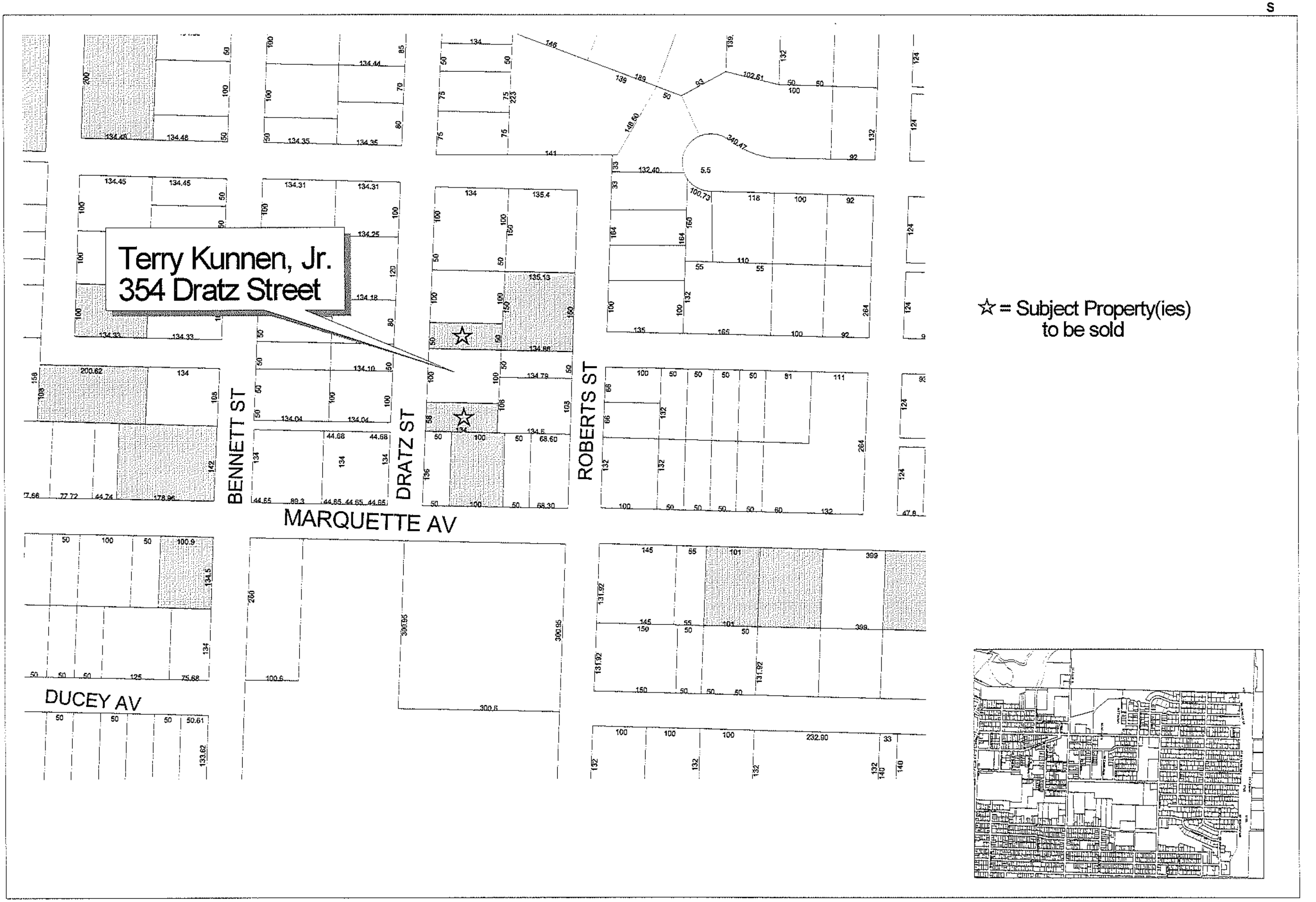
This resolution was adopted at a regular meeting of the City Commission, held on April 27, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

Vacant Non-Buildable City-Owned Lots
348 & 372 Dratz Street



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **TERRY A. KUNNEN, JR.**, a married man, of 354 Dratz Street, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, Lot 766

for the sum of: One Dollar ($1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 29th day of April, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 29, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **TERRY A. KUNNEN, JR.**, a married man, of 354 Dratz Street, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, Lot 764

for the sum of: One Dollar ($1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 29th day of April, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 29, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

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Commission Meeting Date: April 27, 2004

Date: **April 15, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Public Hearing - Request to Establish an Obsolete Property District – Harbor Theater**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Great Lakes Marina & Storage, LLC, 1920 Lakeshore Drive, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 1937 Lakeshore Drive, Muskegon, MI, the former Harbor Theater. Total capital investment for this project is $123,500. The project will result in the creation of 12-14 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 1937 Lakeshore Drive, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2004-42(a)

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, Carter, Davis, Gawron, Larson

Nays None

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

ATTACHMENT A

CITY OF MUSKEGON EVISED PLAT OF 1903 SWLY 55 FT LOT 2 NELY 22 FT LOT 3 BLK 627

CERTIFICATE

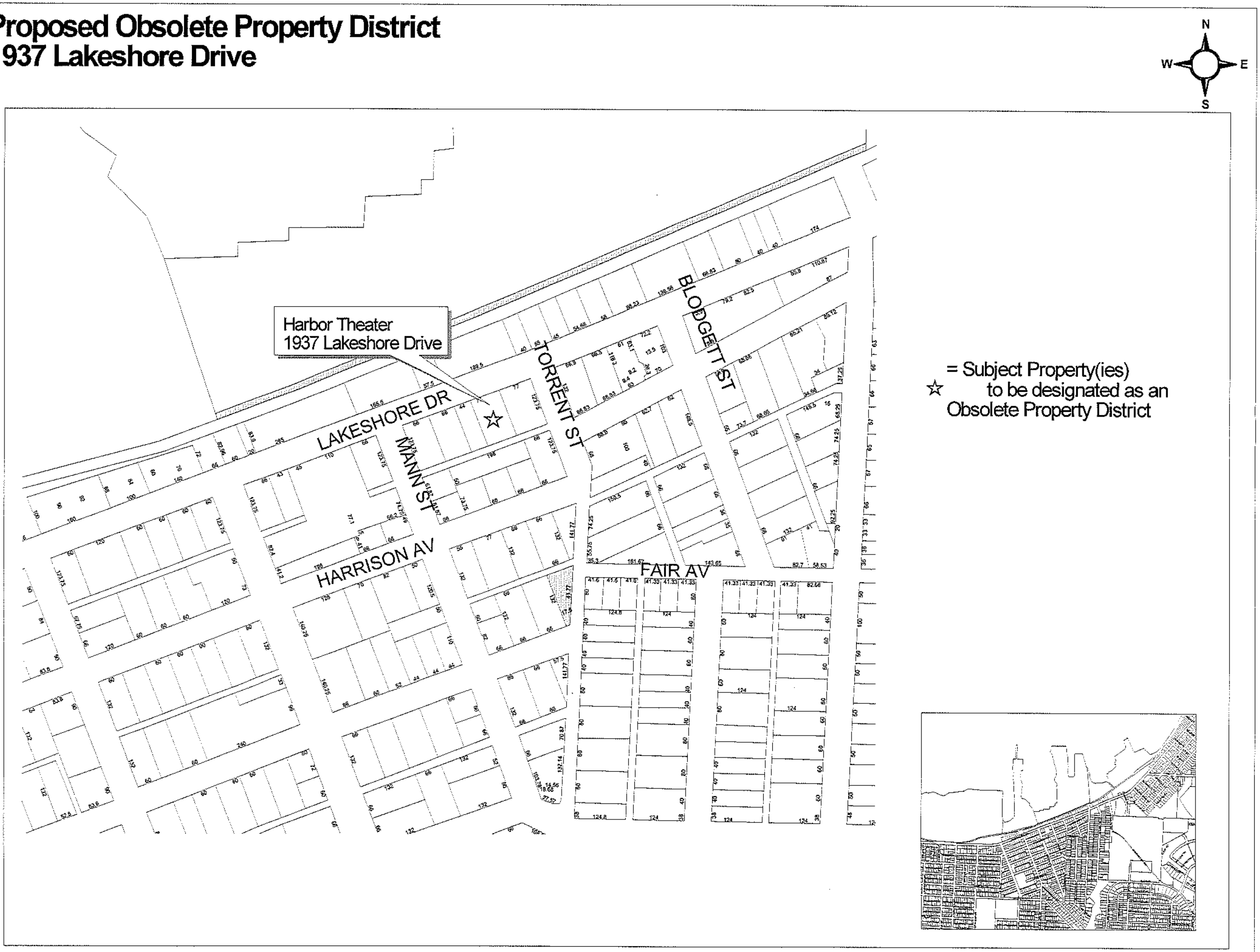
This resolution was adopted at a meeting of the City Commission, held on April 27, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

Proposed Obsolete Property District
1937 Lakeshore Drive



Commission Meeting Date: April 27, 2004

Date: **April 15, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Public Hearing - Request to Issue an Obsolete Property Certificate – Harbor Theater**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Great Lakes Marina & Storage, LLC, 1920 Lakeshore Drive, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 1937 Lakeshore Drive (former Harbor Theater), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for use as a new improved theater and coffee shop. Total capital investment for this project is $123,500. The project will result in bringing 12-14 jobs to the City of Muskegon. Because of these new jobs, the applicant is eligible for a 9 (nine) 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~~ 1937 Lakeshore Drive, Muskegon, MI for a term of nine (9) years.

COMMITTEE RECOMMENDATION:

None

Michigan Department of Treasury, STC
3674 (8-00)

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 sections14, 15 and 17 on page 2.	THIS SECTION FOR USE BY THE STATE TAX COMMISSION
Signature: Gail A. Kundinger	Application No.
Date This Application Was Received: April 5, 2004	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): Great Lakes Marina & Storage LLC

b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP): 1920 Lakeshore Dr., Muskegon, MI 49441

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

c. Location of Obsolete Facility (No. and Street, City, State, ZIP): Harbor Theatre 1937 Lakeshore Dr., Muskegon, MI 49441

d. City/Twp./Village: Muskegon

e. County: Muskegon

2. Date of Commencement of Rehabilitation: ASAP - April 15, 2004

3. Planned Date of Completion of Rehabilitation: June 15-30, 2004

4. School District Where Facility is Located: Muskegon

a. School Code: 61010

5. Estimated Cost of Rehabilitation: $123,500.00

6. How Many Years of Exemption Requested? 6 Years to 12 Years

7. Project will have the reasonable likelihood to: (Check one or more)

- [X] increase commercial activity
- [X] create employment
- [ ] retain employment
- [ ] prevent a loss of employment
- [X] revitalize urban areas
- [X] increase the number of residents in the community in which the facility is situated

7a. Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment: 12 to 14

8. Legal Description of Obsolete Property:
The South Westerly 55 ft. of Lot 2 and the Northeasterly 22 ft. of Lot 3 Block 627, revised Plat of 1903, City of Muskegon, Muskegon County, Michigan

Parcel #61-24-205-627-0002-00

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: [X]

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	Title	Telephone Number
John H. Bultema II	Owner/Member - Great Lakes Marina & Storage LLC	(231) 759-8230
Mailing Address: 1920 Lakeshore Drive, Muskegon, MI 49441		
13. Type Name of Company Officer	Title	Telephone Number
John H. Bultema II	Owner/Member - Great Lakes Marina & Storage LLC	(231) 759-8230
Signature	Date: 04-04-04	

Information contained in this application and supporting documentation may

3674 (page 2)

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: April 27, 2004 ☒ EXEMPTION APPROVED FOR 9 Years

Ending December 31, 2013 (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:

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

	Taxable Value	State Equalized Value (SEV)
Land	13,600	13,600
Buildings	133,700	133,700
Buildings on Leased Land	0	0
Other Personal Property	0	0
Year of Values	2004	2004

17. Name of Local Government Body	Date of Action on This Application
City of Muskegon	4-27-04

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
Gail A. Kundinger	7-12-04	(231) 724-6705
Clerk's Mailing Address	**City**	**ZIP Code**
933 Terrace	Muskegon	49440

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.

1920 Lakeshore Drive • Muskegon, Michigan 49441
Telephone (231) 759-8230 • Fax (231) 755-6437

APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

9. The following must be proved to the local governmental unit as attachments to this application:

NOTE: Please see attached photo

a) The general description of the obsolete facility is that for many years this was operated as a movie theater. The last active business within the facility was a recording studio.
b) The proposed use for the rehabilitated facility is for a new improved movie theater that includes a coffee shop.
c) Description of the general nature and extent of the rehabilitation to be undertaken is a face-lift to the exterior as well as the interior. Which includes carpeting, expensive wall coverings, refit of the entire lighting system, modification to the sprinkler system, complete refit of bathroom facilities, new fixed seating and new exterior to the front including a new fixed awning.
d) A descriptive list of the fixed building equipment is a complete refit of the bathroom facilities, refit of the entire lighting system, modification to the sprinkler system, carpeting, expensive wall coverings, new fixed seating and new exterior to the front including a new fixed awning.
e) A time schedule of undertaking and completing is as soon as possible. Hopefully to start April 15, 2004 with a completion date of June 15, 2004.
f) The economic advantages to this is rehabbing the building in the Lakeside district and creating employment and increase commercial activity for the community, Great Lakes Marina customers and the newly constructed facility for the Cross Lake Ferry.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2004-42(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by GREAT LAKES MARINA & STORAGE 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 Great Lakes Marina & Storage, 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 April 27, 2004, 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 excedence 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 April 27, 2004, 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, Great Lakes Marina & Storage, L.L.C., is not delinquent any taxes related to the facility.

H. The exemption to be granted by this resolution is for nine (9) 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 April 27, 2005, 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 Great Lakes Marina & Storage, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of nine (9) 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, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundginger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on April 27, 2004. 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. Kundinger

Gail A. Kundinger, City Clerk

CITY OF MUSKEGON
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the establishment of an Obsolete Property District and issuance of an Obsolete Property Exemption Certificate by Great Lakes Marina & Storage, LLC, 1920 Lakeshore Drive, Muskegon, MI 49441, as provided by Public Act 146 of Michigan Public Acts of 2000. The property is located at 1937 Lakeshore Drive, Muskegon, Michigan. The hearing will be held by the City Commission of the City of Muskegon on April 27, 2004, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property or any other resident or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Gail A. Kundinger
City Clerk

Publish: April 17, 2004

REAL ESTATE SUMMARY SHEET

Parcel: 61-24-205-627-0002-00 Owner's Name: HUNTINGTON BANK

Property Address: 1937 LAKESHORE DR Map #: 24-30-35-253-006

Property Class: 201 School District: 61010 24 CITY OF MUSKEGON
Prev. Class : 201 Neighborhood: C07..C07.LAKESIDE COM
Public Impr.: Paved Road, Storm Sewer, Sidewalk, Water, Sewer, Electric, Gas, Curb
Topography: Level, Landscaped

Legal Description:
CITY OF MUSKEGON
REVISED PLAT OF 1903
SWLY 55 FT LOT 2
NELY 22 FT LOT 3
BLK 627

Mailing Address:
221 W WEBSTER AVE
MUSKEGON, MI 49440

---------------- Most Recent Sale Information ----------------
Sold on 12/08/2000 for 258,163 by DHUSE ROGER A/DENISE K.
Terms of Sale: Sheriff's Deed Liber/Page: 3119/298

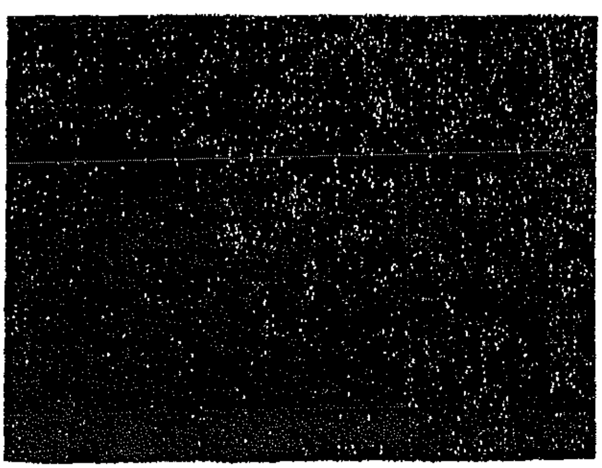
---------------- Physical Property Characteristics ----------------
2002 S.E.V.: ~~158,900~~ Taxable: ~~141,548~~ Land Value: 26,121
2001 S.E.V.: 151,800 Taxable: 141,548 Acreage: 0.22
Zoning: R Frontage: 77.0
Homestead: 0.000% Land Impr. Value: 945 Average Depth: 124.0

---------------- Improvement Data ----------------
# of Residential Buildings: 0
Year Built: 0
Occupancy: Single Family
Class: D
Style: 1 STORY
Exterior:
% Good (Physical): 0
Heating System: Forced Air w/o Ducts
Electric - Amps Service: 0
# of Bedrooms: 0
Full Baths: 0 Half Baths: 0
Floor Area:
Ground Area:
Garage Area:
Basement Area:
Basement Walls:
Est. TCV:

# of Ag. Buildings: 0
Est. TCV:

# of Commercial Buildings: 1
Type: Theater - Cinema
Desc:
Class: C
Quality: Low Cost
Built: 0 Remodeled: 1979
Overall Building Height: 21
Floor Area: 7,020
Sale Price/Floor Area: 36.78
Est. TCV: 290,682

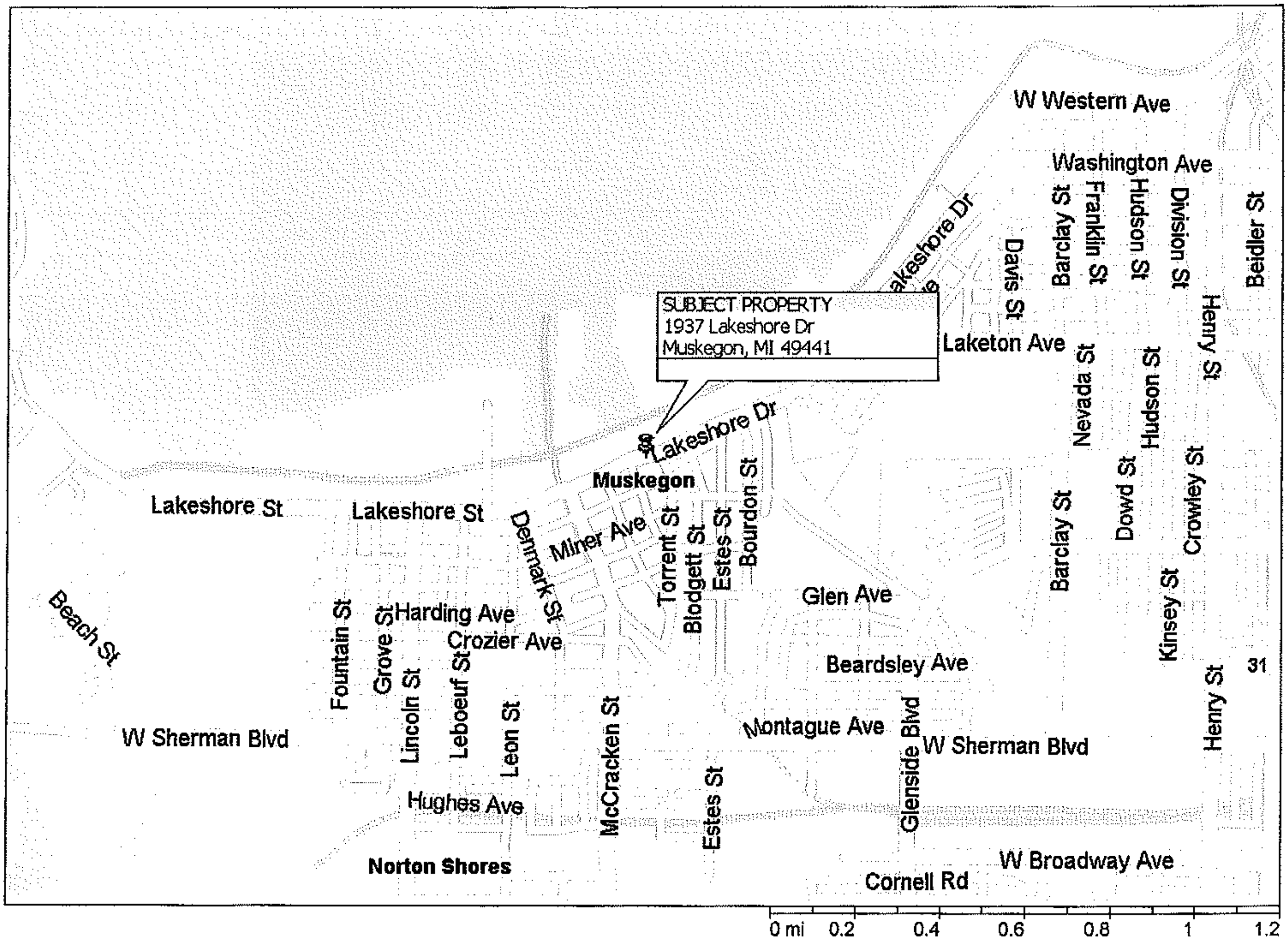
Cmts:



NORTH ELEVATION

NORTH AND EAST ELEVATION

LOCATION MAP



GREAT LAKES MARINA AND STORAGE LLC
1920 LAKESHORE DRIVE
MUSKEGON, MI 49441
(231) 759-8230

FIFTH THIRD BANK
MUSKEGON, MI 49445
74-5/724

22677

4/14/2004

PAY TO THE ORDER OF City of Muskegon $ **69.00

Sixty-Nine and 00/100** DOLLARS

City of Muskegon

MEMO Theater Application for obsolete property rehabi

⑈022677⑈ ⑆072400052⑆ 0000287412⑈

GREAT LAKES MARINA AND STORAGE LLC

City of Muskegon 4/14/2004 22677

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
04/14/200	Bill	APPLICATION FEE	69.00	69.00		69.00
				Check Amount		69.00

1110 Cash-OK Ban Theater Application for obsolete property re 69.00

Commission Meeting Date: April 27, 2004

Date: **April 20, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Vacation of a portion of Larch Avenue.**

SUMMARY OF REQUEST:

Request for the vacation of Larch Avenue, between Clinton and Leahy St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of ~~Jackson~~ Larch Ave., with the condition that any City easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended the vacation, with the condition as listed above with T. Harryman and T. Michalski voting no.

CITY OF MUSKEGON

RESOLUTION #2004-43(a)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Larch Ave., between Clinton and Leahy St; and

WHEREAS, the Planning Commission held a public hearing on April 15, 2004 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the April 27, 2004 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Larch Ave., between Clinton and Leahy St.;

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

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

Adopted this 27th day of April, 2004.

Ayes: Warmington, Carter, Gawron, Larson, Shepherd, Spataro

Nays: Davis

Absent: None

By: ____________________
Steve Warmington, Mayor

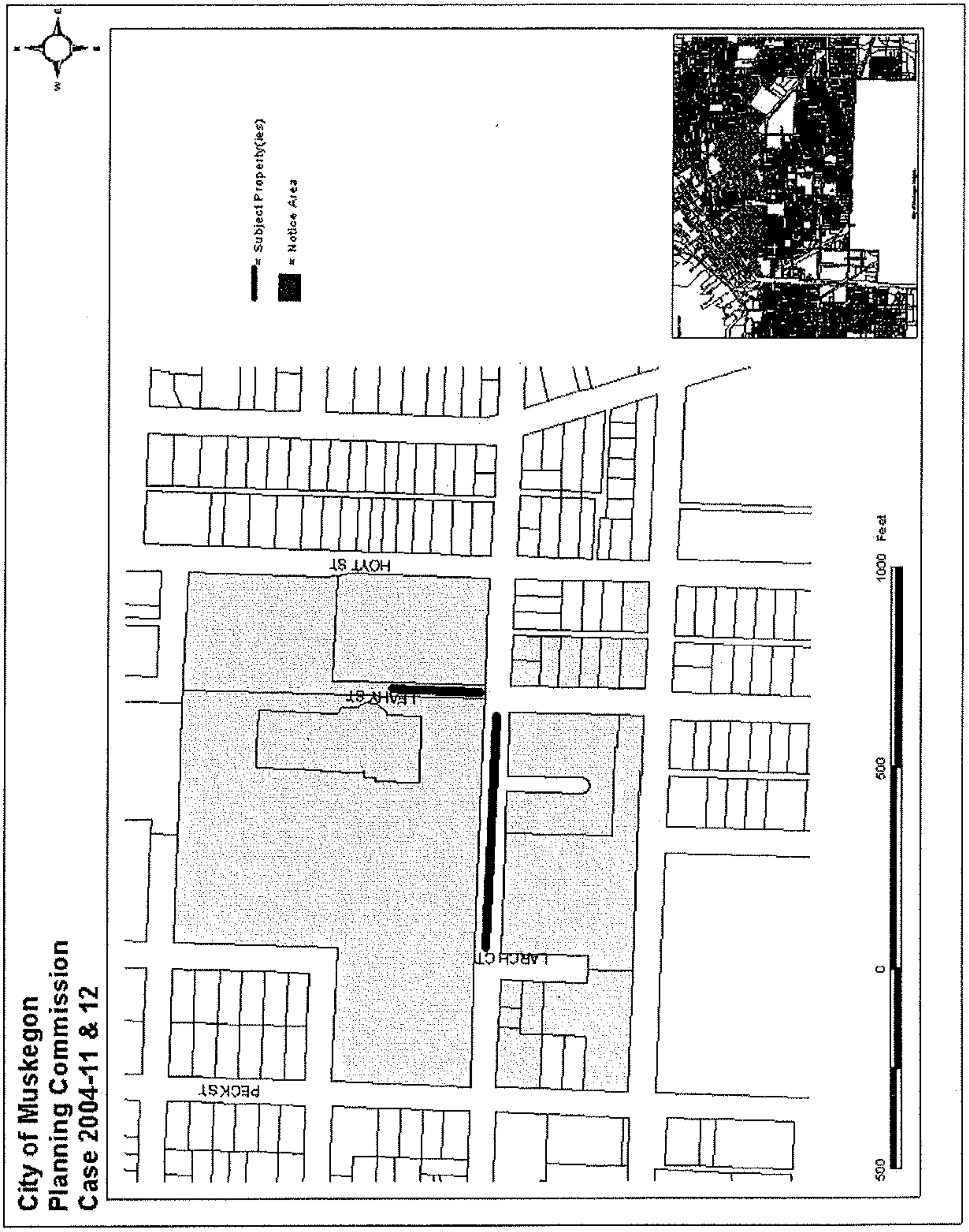
Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, City Clerk

CERTIFICATE (Vacation of Larch Ave.)

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 April 27, 2004.

Gail Kundinger

Gail Kundinger, MMC
Clerk, City of Muskegon


City of Muskegon
Planning Commission
Case 2004-11 & 12
= Subject Property(ies)
= Notice Area
HOYT ST
LEAHY ST
LARCH CT
PECK ST
500
0
500
1000
Feet

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

April 15, 2004

Hearing; Case 2004-11: Request to vacate Larch Avenue between Clinton and Leahy Street, by Hackley Hospital (Gerald Adams)

BACKGROUND

Hackley Hospital is in the midst of turning the hospital into a more of a campus like atmosphere. The hospital is shifting focus from the neighborhood more towards the heavily traveled Laketon Avenue. The Master Planning Process has indicated that two new buildings are being planned for the campus, a 48,000 sqft medical office building and a 20,000 sqft cancer treatment center. The hospital is now requesting the vacation of two streets located within the "hospital campus."

Larch Avenue runs south of the main hospital building and bisects the parking areas in between Peck and Leahy. The applicant has submitted a traffic analysis that indicated 85% to 90% of vehicles on that street are hospital related. Which translates to 10 to 15% passing through. The site plan (Case 2004-13) shows that if the street is vacated, larch will be closed off to inhibit through traffic. The connection through the site is planned to still be there, however it will be offset.

The applicant has submitted a list of ways the vacation will help to improve the hospital site. The vacation will help to create a campus atmosphere, enhance development to the south of the complex, reduce traffic conflicts, and eliminate city maintenance on a road that is mainly used for private use.

The hospital owns the land on both sides of the street. It intends on making the area more pedestrian friendly for staff and patients and a public street running down the middle makes that difficult.

Staff has received comments from the DPW, they have indicated that we would need to obtain an easement for water, sewer, and storm utilities. Staff will bring any additional comments to the meeting.

STAFF RECOMMENDATION

Staff recommends approval of the request with the condition that the City retain all easement rights to the utilities.

DELIBERATION

I move that the vacation of Larch Avenue between Clinton and Leahy Street be (approved/denied), (based on the following conditions--only if approved):

That all City easements be retained.

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Healthcare Renewal/Rx Co-Pay Reimbursement Program

SUMMARY OF REQUEST: The City has received 2004-05 renewal rates for the Priority Health HMO program - the healthcare choice of nearly all active city employees. Renewal rates at current benefit levels are 15.1% higher than current rates. This translates to an additional annual cost of $286,204. Staff has also received renewal rates assuming a change in the drug benefit co-pay from the current $10.00 to $15.00. Making this change lowers the rate increase to 8.9% and achieves gross annual savings of $118,738. We have discussed this option with the labor-management committee and they are generally receptive to the change provided that the city re-implement the $5.00 Rx reimbursement program to help soften the impact on employees. Staff believes that even with this proviso, significant savings will be achieved and recommends approval.

FINANCIAL IMPACT: As shown on the attached page, net annual savings are estimated to be $93,438. The level of employee participation in the reimbursement program will determine actual costs/savings.

BUDGET ACTION REQUIRED: No budget action is recommended at this time, however, the change will have positive impact on both the 2004 and 2005 budgets.

STAFF RECOMMENDATION: Staff recommends renewal of the Priority Health contract with a $15.00 Rx co-pay and re-implementation of the $5.00 Rx co-pay reimbursement program.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON RENEWAL ANALYSIS 2004
Fully-Insured Priority Health HMO

June 1, 2003 - June 1, 2004					
	Current Composite Rates	Current Number of Employees	$10.00 x 26 pay /12 mths = $21.66 3.47% of Prem.	Monthly Premium	Annual Premium
Single	$ 623.27	40	$ 866.66	$ 24,930.80	$ 299,169.60
Double	$ 623.27	59	$ 1,278.33	$ 36,772.93	$ 441,275.16
Family	$ 623.27	154	$ 3,336.66	$ 95,983.58	$ 1,151,802.96
TOTAL		**253**	**$ 5,481.65**	**$ 157,687.31**	**$ 1,892,247.72**

Comments - Current Program
$10 Office Visit Copay
$10 Prescription Drug Copay w/CM
100% Hospitalization
80% DME/PO
$25 ER
$50 Ambulance
Vision Exam - 12 mth $0 copay

June 1, 2004 - June 1, 2005					
	Renewal Composite Rates	Current Number of Employees	$10.00 x 26 pay /12 mths = $21.66 3.02% of Prem.	Monthly Premium	Annual Premium
Single	$ 717.54	40	$ 866.66	$ 28,701.60	$ 344,419.20
Double	$ 717.54	59	$ 1,278.33	$ 42,334.86	$ 508,018.32
Family	$ 717.54	154	$ 3,336.66	$ 110,501.16	$ 1,326,013.92
TOTAL		**253**	**$ 5,481.65**	**$ 181,537.62**	**$ 2,178,451.44**
INCREASE OVER CURRENT COST==>				**$ 23,850.31**	**$ 286,203.72**
					15.1%

Comments - Renewal w/No Change	
With Rate Relief represents a 15.1% increase	
$ 23,850.31	Monthly Increase
$ 286,203.72	Annual Increase

June 1, 2004 - June 1, 2005					
	Renewal Composite Rates	Current Number of Employees	$10.00 x 26 pay /12 mths = $21.66 3.19% of Prem.	Monthly Premium	Annual Premium
Single	$ 678.43	40	$ 866.40	$ 27,137.20	$ 325,646.40
Double	$ 678.43	59	$ 1,278.33	$ 40,027.37	$ 480,328.44
Family	$ 678.43	154	$ 3,336.66	$ 104,478.22	$ 1,253,738.64
TOTAL		**253**	**$ 5,481.65**	**$ 171,642.79**	**$ 2,059,713.48**
INCREASE OVER CURRENT COST==>				**$ 13,955.48**	**$ 167,465.76**
					8.9%
GROSS SAVINGS BY MOVING TO $15.00 Rx COPAY==>					**$ 118,737.96**
COST OF $5.00 REIMBURSEMENT PROGRAM==>					**$ 25,300.00**
NET SAVINGS BY MOVING TO $15.00 Rx COPAY==>					**$ 93,437.96**

Comments - Renewal w/$15 Rx Copay
$10 Office Visit Copay
$15 Prescription Drug Copay w/CM
100% Hospitalization
80% DME/PO
$25 ER
$50 Ambulance
Vision Exam - 12 mth $0 copay

Date: April 27, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Liability/Property Insurance Renewal

SUMMARY OF REQUEST: To renew the city's liability and property insurance coverage with the Michigan Municipal Risk Management Association (MMRMA), an intergovernmental self-insurance pool representing more than 300 Michigan municipalities. Since 1986 the city has had liability coverage through MMRMA; in 1999 property coverage was added. Staff is recommending that the city's self-insured retention (SIR) be increased from the current $75,000 level to $100,000. The savings from doing this are nearly $100,000 which means the city would have to have four claims of over $100,000 before the premium savings were offset by the higher deductible. Recent experience has been favorable and staff believes this is a sound risk to assume.

FINANCIAL IMPACT: Total contribution of $846,246 comprised of two components: $538,728 fixed insurance costs and $272,300 contribution to the city's self-insured retention fund. The fixed insurance costs represent a 3.5% decrease over 20003-04 costs (see attached).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Renewal of liability and property insurance coverage with MMRMA. Staff believes that intergovernmental procurement of insurance coverage is most cost-effective approach. Moreover, the MMRMA program has the broadest coverage available to Michigan municipalities and the city's past experience with the program has been very positive.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON

2004-2005 MMRMA LIABILITY RENEWAL OPTIONS

	CURRENT $75,000 SIR	RENEW $75,000 SIR	***RENEW $100,000 SIR***	RENEW $150,000 SIR
COVERAGE	$ 594,515	$ 668,346	***$ 573,946***	$ 517,838
PERCENT INCREASE ===>		12.4%	***-3.5%***	-12.9%
MEMBER LOSS FUND DEPOSIT	262,084	272,300	***272,300***	272,300
PERCENT INCREASE ===>		3.9%	***3.9%***	3.9%
	$ 856,599	$ 940,646	***$ 846,246***	$ 790,138
PERCENT INCREASE ===>		9.8%	***-1.2%***	-7.8%

Commission Meeting Date: April 27, 2004

Date: April 16, 2004

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department

RE: Sale of Parcel in Seaway Industrial Park

SUMMARY OF REQUEST:

To approve the sale of Lot #9 in Seaway Industrial Park (see attached map) to Schultz Transport, Inc., 1559 Getz Road, Muskegon, MI 49441. This company performs commercial snowplowing, in addition to being a transport company. The purchase price is $24,000, which is the full asking price. Schultz Transport, Inc. will be relocating his business from his current location outside of the City, and has from 2-10 employees, depending on the season. As part of the purchase agreement, Schultz Transport, Inc. has requested a 45-day option on Lot #8.

FINANCIAL IMPACT:

The sale of this lot, while is located in a Renaissance Zone, will still generate City of Muskegon income tax.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution, deed, and all other necessary documents.

COMMITTEE RECOMMENDATION:

Resolution No. 2004-43(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A LOT #9 IN SEAWAY INDUSTRIAL PARK TO SCHULTZ TRANSPORT, INC.

WHEREAS, the City of Muskegon has ownership of the property known as Lot #9 located in Seaway Industrial Park, Muskegon, Michigan, designated as parcel numbers 24-205-410-0010-00; and

WHEREAS, Schultz Transport, Inc., 1559 Getz Road, Muskegon, MI, has made a legitimate offer to purchase the subject property; and

WHEREAS, both the Seller (City of Muskegon) and Buyer (Schultz Transport, Inc.) agree to the terms of the purchase as outlined in the attached purchase agreement; and

WHEREAS, James Schultz, owner of Schultz Transport, Inc., is a City of Muskegon employee; and

WHEREAS, James Schultz is a City employee, the City Commission desires to sell the property to Schultz Transport, Inc., and

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

WHEREAS, the redevelopment of the subject property is consistent with the City's objective of development of Seaway Industrial Park.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission approves the sale of the property known as Lot #9 to Schultz Transport, Inc. for the sum of $24,000, with a 45-day option to purchase Lot #8, not withstanding the conflict, the City Commission determines it is in the best interest of the City to sell this property.

See attachment A for property description.

Adopted this 27th day of April, 2004

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

Absent None

By:
Stephen J. Warmington, Mayor

Attest: Gail Kundinger
Gail Kundinger, Clerk

ATTACHMENT A

BLOCK 4 AND THE VACATED ALLEY IN SAID BLOCK 4 AND PART OF VACATED WAALKES STREET, YOUNG & WILLIAMS ADDITION AS RECORDED IN LIBER 3 OF PLATS, PAGE 39, MUSKEGON COUNTER REGISTER OF DEEDS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 31, T.10N., R.16W., SAID CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, THENCE N00°00'00"E 644.09 FEET ALONG THE EAST LINE OF SAID NORTHWEST FRACTIONAL ¼; THENCE S89°39'32'W 33.00 FEET ALONG THE SOUTH LINE OF SAID YOUNG AND WILLIAMS ADDITION FOR POINT OF BEGINNING; THENCE S89°39'32"W 307.43 FEET ALONG SAID SOUTH LINE; THENCE N00°00'00"W 84.95 FEET ALONG THE CENTERLINE OF VACATED WAALKES STREET; THENCE N89°40'00"E 307.43 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF DELANO AVENUE; THENCE S00°00'00"E 84.91 FEET ALONG THE WEST RIGHT OF WAY LINE OF PARK AVENUE TO POINT OF BEGINNING.

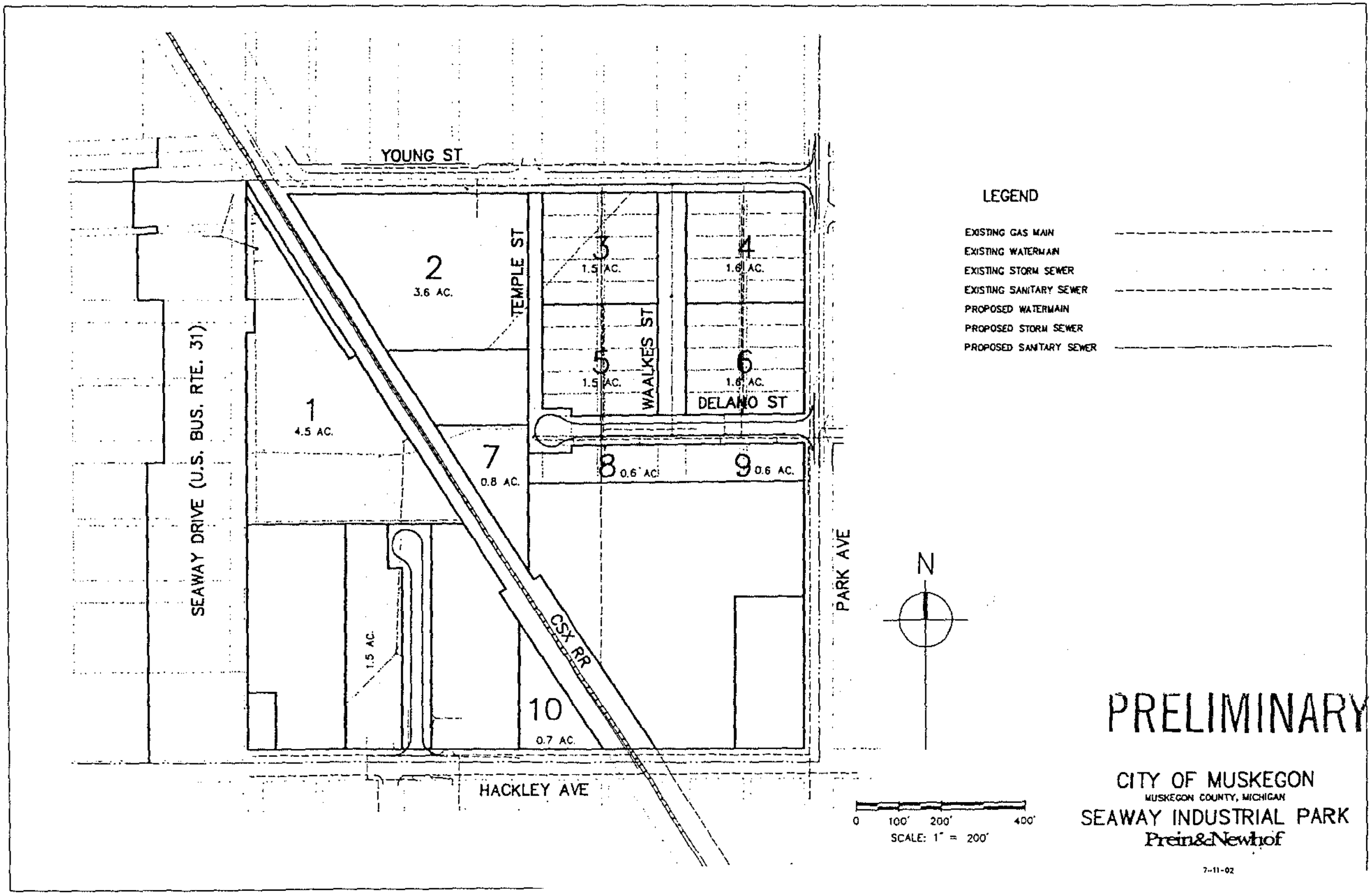
NOTE: BEARINGS BASED ON THE EAST LINE OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 31, T.10N., R.16W. PER PLAT OF YOUNG & WILLIAMS ADDTION AS RECORDED IN LIBER 3 OF PLATS, PAGE 39, MUSKEGON COUNTY REGISTER OF DEEDS.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on April 27, 2004.

By: Gail Kundinger

Gail Kundinger, Clerks


YOUNG ST
TEMPLE ST
WAALKES ST
DELANO ST
SEAWAY DRIVE (U.S. BUS. RTE. 31)
PARK AVE
HACKLEY AVE
CSX RR
1
4.5 AC.
2
3.6 AC.
3
1.5 AC.
4
1.6 AC.
5
1.5 AC.
6
1.6 AC.
7
0.8 AC.
8 0.6 AC.
9 0.6 AC.
10
0.7 AC.
1.5 AC.
LEGEND
EXISTING GAS MAIN
EXISTING WATERMAIN
EXISTING STORM SEWER
EXISTING SANITARY SEWER
PROPOSED WATERMAIN
PROPOSED STORM SEWER
PROPOSED SANITARY SEWER
N
0 100' 200' 400'
SCALE: 1" = 200'
PRELIMINARY
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
SEAWAY INDUSTRIAL PARK
Prein&Newhof
7-11-02

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **SCHULTZ TRANSPORT, INC.**, a Michigan corporation, 1559 Getz Road, Muskegon, Michigan 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

"See Attached"

for the sum of: Twenty-Four Thousand Dollar ($24,000.00)

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 4th day of May, 2004.

Signed in the presence of:

JoAnn Krukowski
JOAnn KruKowsKi

Linda Potter
Linda Potter

CITY OF MUSKEGON

By William Larson
William Larson, Its Vice-Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 4th day of May, 2004, by WILLIAM LARSON and GAIL A. KUNDINGER, MMC, the Vice-Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON RENAISSANCE ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49441 ("City") and SCHULTZ TRANSPORT, INC., a IS corporation, of 2140 9th St. / 1559 Getz Rd, Muskegon Heights, Michigan (49441) ("Company"). Musk. Hghts

Recitals:

A. The City has established a Renaissance Zone. The Company desires to acquire property within the Renaissance Zone. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Renaissance Zone.

B. The Company intends to acquire real property, construct a building and re-locate its business into a Renaissance Zone. The Company understands that the City relies upon the assurances of the Company in this Agreement as an inducement to sell certain real property.

NOW THEREFORE THE PARTIES, INCORPORATING THE ABOVE RECITALS, AGREE:

1. DOCUMENTS ATTACHED. Included in this Agreement are the following documents which have been collected and relied upon by the parties:

1.1 Exhibit containing Site/Building requirements for this project applying Article VII of the Development Agreement Policy.

1.2 Real Estate Purchase Agreement.

2. COMPANY AGREEMENT. The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner:

2.1 Execution of the Real Estate Purchase Agreement attached as Exhibit A, simultaneously with execution of this agreement, and delivery of both to the City.

2.2 Construction of buildings as indicated in Exhibit B subject to review and modification by the City Planning Commission and/or City Commission. The design and landscaping of the site shall be subject to the approval of the City, which shall reasonably apply its zoning, site plan and other land use requirements.

2.3 The investment in the amount of Seventy Thousand Dollars ($70,000) (the "Investment Objective").

2.4 The creation of at least two jobs (the "Employment Objective") within the first three (3) years of operation. This number will include the transfer of jobs from other municipalities. Transferred jobs from another location in the City will be counted, but limited to one transferred job within the City per one new job.

2.5 The closing of the purchase of the properties described in the Real Estate Purchase Agreement (the "Properties").

2.6 Cooperation with City representatives to supply all requested and required documentation necessary in the City's reasonable judgment to determine compliance with the undertakings set forth in this Agreement and its attachments.

2.7 The Company shall take all required precautions to avoid the release of any hazardous substance in violation of any environmental law on its premises, and shall report any releases to the appropriate authority in a timely and complete manner as required by law, providing copies of said documentation to the City. Subject to its rights to contest any proposed orders and actions, the Company shall comply with all orders and actions of any governmental agency having authority.

2.8 During the entire period for which the Renaissance Zone is in effect, the Company shall maintain the improvements so as to minimize physical or functional obsolescence.

3. 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, and in particular the Renaissance Zone Act of the State, as amended.

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

5. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives. The Company shall have the right to assign this Agreement subject to the consent of the City. Except as so provided, there is no third party beneficiary intended upon the execution of this Agreement.

6. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By William Larson
~~Stephen J. Warmington, Mayor~~
William Larson, Vice-Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Clerk

Dated: ____________, 2004

SCHULTZ TRANSPORT, INC.,
a S Corporation

By ____________
James Schultz, ____

Dated: 4-20-, 2004

DATE: April 19, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Deputy Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-040025-Address: 1381 Seventh.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1381 Seventh** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: #EN-040025– 1381 Seventh.

Location and ownership: This structure is located on Seventh Street between Merrill and Monroe and is owned by Chase Manhattan Bank, Houston, Texas.

Staff Correspondence: A dangerous building exterior inspection report was written 2/2/04 and notice and order to repair or remove was issued 2/3/04. An interior inspection was conducted 2/26/04. On 3/4/04 the HBA declared the structure substandard and a dangerous building.

Owner Contact: A local realtor called and scheduled the interior inspection and stated he would be at the HBA meeting 3/4/04, but he was not there. There has been no contact since the interior inspection.

Financial Impact: CDBG funds

Budget Action Required: None

SEV: $15,000

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

Estimated Cost of Repairs: $25,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 27, 2004.

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

1381 Seventh

2/2/04

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.

2. Foundation damage – rotted rim joist, block wall failure.

3. Front porch pulling away from home – unstable.

4. Rotted fascia – soffit siding – replace.

5. Broken out windows – home is open at side door.

6. Entire home in need of paint, siding, window frames.

7. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR　　　　DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1381 Seventh
(INTERIOR INSPECTION)
2/26/04

Inspection noted:

1. Furnace to be replaced.
2. Tub/shower valve to be replaced.
3. Space heater improperly installed.
4. 2nd floor water piping needs to be replaced.
5. Chimneys need liners installed.
6. Gas piping to be pressure tested.
7. Water piping to be pressure tested.
8. Foundation wall repair required.
9. All floor joists must support required loads, spans and column support. Notches not allowed.
10. Rafter damage – repair/replace.
11. Upper stairway – riser – treads – handrail, guardrail must meet Michigan Residential Code requirements.
12. Walls, ceilings, floors require repair/replacement.
13. Kitchen counters not served by outlets.
14. Light fixtures improperly wired and incomplete.
15. Smoke detectors required per code.
16. Ungrounded 3 wire outlets.

Note: Wiring a combination of knob & tube, romex and A/C cable. Should be replaced.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

______________________________ ______________
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

1381 Skinnth 2/2/2004.

DATE: April 19, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Deputy Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-040026-Address: 1317 Seventh.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1317 Seventh** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: #EN-040026– 1317 Seventh.

Location and ownership: This structure is located on Seventh Street between Houston and Monroe and is owned by Option One Mortgage, Irvine, California.

Staff Correspondence: A dangerous building exterior inspection report was written 2/2/04 and notice and order to repair or remove was issued 2/3/04. On 3/4/04 the HBA declared the structure substandard and dangerous.

Owner Contact: There has been no contact from the mortgage company.

Financial Impact: CDBG funds

Budget Action Required: None

SEV: $16,700

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

Estimated Cost of Repairs: $4,000 plus the cost of interior repairs.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 27, 2004.

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

1317 Seventh

2/2/04

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.

2. Home semi-boarded, numerous broken windows.

3. Front porch needs structural repair to foundation, columns failing, decking.

4. Siding is not protected from weather exposure, rotting at bottom.

5. Antenna collapsed on roof.

6. Fascia – soffit – scrape and painting needed.

7. Replace roof covering.

8. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

1317 Seventh 2/2/2004.
Front porch structural - columns.
porch structure foundation
Broken out windows.

DATE: April 19, 2004

removed by staff

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Deputy Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030174-Address: 637 Amity.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **637 Amity – Area 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: #EN030174 – 637 Amity.

Location and ownership: This structure is located on Amity between Scott and Kenneth and is owned by Gustav Buchholz. The house was been damaged by fire in 2002 and the city holds $6437 in escrow until the repairs are completed or demolition occurs.

Staff Correspondence: The owner was notified by the Fire Marshal on 6/12/02 of the insurance money being deposited in escrow. A board up notice was issued 3/11/02 and 4/21/03. A dangerous building inspection report was written 11/20/03 and Notice and Order to repair or remove was issued 12/3/03. On 1/8/04 the HBA declared the house substandard and dangerous.

Owner Contact: The owner (at that time Jeanette Casson) was present at the 1/8/04 HBA meeting with a potential buyer (Gustav Buchholz) of the property who stated he intends to repair and live in the house. They were told at that time that even though the house was being declared, they would have 30 days in which the potential owner could bring in proof of ownership, schedule an interior inspection and submit a timetable for repairs. Mr. Buchholz scheduled an interior inspection for 1/29/04, but had to cancel and reschedule for personal reasons. The interior inspection was scheduled for 2/20/04. That inspection was also canceled and rescheduled for 2/24/04. This case had been scheduled to go before the City Commission on 2/24/04, but was removed from the agenda when the interior inspection was conducted. The owner was notified that permits had to be pulled by 3/31/04, 30 day progress inspections, and a completion date of 9/1/04. On 4/5/04 Mr. Buchholz applied for a building permit, but disagreed with the value of $40,000 for repairs and did not take the permit out. He stated he would be back within a week and bring in estimates from his contractors to show what he believed to be the real value for the building permit. He was told at that time that he was already beyond the deadline date for pulling a permit and we could not promise him that in another week he would still be allowed to pull the permit. He left and came back 4/15/04 and dropped off estimates from a Wyoming building contractor for all of the work to be completed.

Financial Impact: The cost of demolition will be paid with money that is escrowed.

Budget Action Required: None

SEV: $21,200

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

Estimated Cost of Repairs: $40,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 27, 2004.

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

637 Amity

11/20/03

Inspection noted:

1. Windows broken & boarded.
2. Door broken and boarded.
3. Extensive fire damage to 2nd floor.
4. Extensive water damage to 1st floor.
5. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR   DATE

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

637 Amity
2/24/04
(INTERIOR INSPECTION)

Inspection noted:

1. 2nd Floor entirely gutted by fire.
2. Open splices and knob & tube wiring.
3. Wiring is deteriorated.
4. All wiring to comply with Michigan Residential Code.
5. 2nd floor plumbing to be replaced.
6. Chimney needs repair and liner installed.
7. Waste & vent in basement installed without permit.
8. Furnace to be tested and certified safe.
9. Ductwork needs cleaning.
10. Gas piping needs to be pressurized and tested.
11. Water heaters need replacing.
12. Water piping painted and needs to be replaced. Galvanized need repair.
13. Replace all damaged roof covering – sheathing, rafter – joist upper.
14. All handrails, guardrails, exterior & interior need to be replaced to code.
15. Back stairway – roof – landings – must be rebuilt to code – structural failure.
16. Scrape and paint all exterior.
17. Replace soffit – fascia damage.
18. Floor joist cut in basement – must be resupported to bearing.
19. All damaged wall, ceiling, flooring to be replaced per code.
20. Foundation wall requires repair.
21. Smoke alarms required per code Sec. 317. – hardwired w/battery back up.
22. Support basement stairs with proper column support and frame floor opening per MRC 2000 sec. R502.10.
23. Encapsulate all interior smoke damage.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR   DATE

FIRE & STRUCTURAL.

637 AMITY TWO UNIT APARTMENT

2/24/2004.