

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 12, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

COMMISSION ACTION NUMBERS

2005-32 HONORS AND AWARDS:

- A. Sarah Johnson

2005-33 CONSENT AGENDA:

- A. Approval of Minutes. CITY CLERK
- B. Resolution for Charitable Gaming License - Muskegon Community Health Project. CITY CLERK
- C. SECOND READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance for "Setback, Front". PLANNING & ECONOMIC DEVELOPMENT
- D. SECOND READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance for "Informational Sign". PLANNING & ECONOMIC DEVELOPMENT
- E. SECOND READING: Zoning Ordinance Amendment to the Sign Ordinance for Campus Signage. PLANNING & ECONOMIC DEVELOPMENT
- F. SECOND READING: Rezoning Request for Properties Located at 704, 714, 724, and 734 E. Apple Avenue. PLANNING & ECONOMIC DEVELOPMENT
- G. Procurement of Police Patrol Rifles. PUBLIC SAFETY
- H. Resolution Opposing the Elimination of the Community Development Block Grant Program. COMMUNITY & NEIGHBORHOOD SERVICES
- I. Resolution to Support Additional Municipal Service Cooperation Throughout Muskegon County.

2005-34 ITEM REMOVED FROM THE CONSENT AGENDA:

- J. Policy Regarding Local Preference Purchasing/Contracting.

2005-35 UNFINISHED BUSINESS:

- A. Create a Special Assessment District for Ireland Avenue, Franklin to Davis (Tabled from 3-22-05). ENGINEERING
- B. Create a Special Assessment District for Franklin Street, Laketon to Ireland (Tabled from 3-22-05). ENGINEERING

2005-36 NEW BUSINESS:

- A. MDNR Agreement Amendment for Lakeshore Trail. CITY MANAGER
- B. Approval of the 2005-2006 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES
- C. Public Service Building Modifications. PUBLIC WORKS
- D. Signal Maintenance for Public Crossing over CSX's Tracks. ENGINEERING
- E. Consideration of Bids for Pine Street, Laketon to Dale. ENGINEERING
- F. Transmittal of 2004 Comprehensive Annual Financial Report. FINANCE
- G. Request for Encroachment Agreement By: Lake Express LLC. ENGINEERING
- H. Consideration of Bids: Janitorial Services for 2005 – 2008. ENGINEERING
- I. LEAD Program – City Participation in GEAR UP 2011 Grant Proposal. ASSISTANT CITY MANAGER
- J. Accept Shoreline Dr. East (First to Eastern) into the City's Street System. ENGINEERING

2005-37 PUBLIC PARTICIPATION:

- A. Request to Apply for Second Year Renewal of Title V Grant.

CITY OF MUSKEGON**State of Michigan*****Certificate of Recognition***

WHEREAS, the Muskegon City Commission would like to recognize Dr. Sarah Johnson with this Certificate for her contributions to our community and her dedication to the youth in the Muskegon community, and

WHEREAS, in 1980 Sara started the Word of Truth Outreach Ministry, which includes the International Outreach Ministries that has helped establish 57 churches in the USA and Nigeria West Africa as well as a Christian Medical Clinic there, and

WHEREAS, in 1999 she started the Muskegon Word of Truth Outreach Ministry at 31 East Clay helping those who require unconventional day care, and are in need of counseling as well as help with housing, utilities, food, and clothing, and

WHEREAS, this center also houses the Lakeshore Christian Learning Center whose philosophy is to provide an educational program recognizing the value of a meaningful education program in early childhood development that will help our young to have a better self-concept of themselves and a greater desire to advance their knowledge, and

WHEREAS, her desire is to help the youth in our community to have a better quality of life she started the Lakeshore Young Marines youth program for children between the ages of eight and eighteen to help deter them from juvenile delinquency, and

WHEREAS, this genuine concern Sara has for her fellow man has earned her the affection and respect of many who have come in contact with her.

NOW THEREFORE, I Stephen J. Warmington, by virtue of the authority vested in me as Mayor and speaking on behalf of the Muskegon City Commission and our residents do hereby tender this Certificate of Recognition to Dr. Sara Johnson to commend her for her outstanding efforts and contributions to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Muskegon to be affixed this March 8, 2005.

Stephen J. Warmington, Mayor

Bill Larson, Vice Mayor

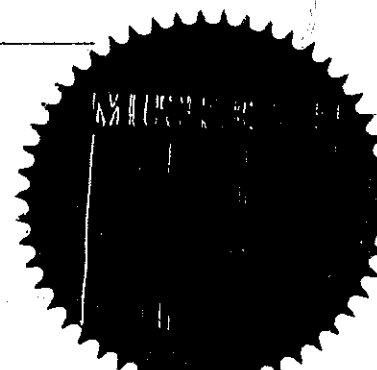
Stephen J. Gawron, Commissioner

Chris Carter, Commissioner

Kevin Davis, Commissioner

Clara Shepherd, Commissioner

Lawrence Spataro, Commissioner



Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, March 22, 2005, and the Special Commission Meeting that was held on Tuesday, March 29, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 12, 2005

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 12, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson of 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, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kunding.

2005-32 HONORS AND AWARDS:

A. Sarah Johnson. Commissioner Clara Shepherd presented Dr. Sarah Johnson with a Certificate of Recognition from the City Commission.

2005-33 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, March 22, 2005, and the Special Commission Meeting that was held on Tuesday, March 29, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Resolution for Charitable Gaming License - Muskegon Community Health Project. CITY CLERK

SUMMARY OF REQUEST: Muskegon Community Health Project, 565 W. Western Avenue, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. SECOND READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance for "Setback, Front". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to clarify the definition for "Setback, Front".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to clarify the definition for "Setback, Front".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 3/10/05 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

D. SECOND READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance for "Informational Sign". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add a definition for "Informational Sign".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add a definition for "Informational Sign".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 3/10/05 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

E. SECOND READING: Zoning Ordinance Amendment to the Sign Ordinance for Campus Signage. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334(10.) of Article XXIII (General Provisions) to amend the sign ordinance language regarding campus signage.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding campus signage.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 3/10/05 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

F. SECOND READING: Rezoning Request for Properties Located at 704, 714,

724, and 734 E. Apple Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone properties located at 704, 714, 724, and 734 E. Apple Avenue, from R-1, Single Family Residential to B-2, Convenience & Comparison Business.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 3/10/05 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

G. Procurement of Police Patrol Rifles. PUBLIC SAFETY

SUMMARY OF REQUEST: The Muskegon Police Department currently has in its possession two (2) Thompson and four (4) Uzi machine guns. The department has been in possession of these weapons for many years. While these weapons are of great interest to collectors, they are useless as to our needs. At this same time, we are in need of replacing our current stock of patrol shotguns and there are a number of reasons for doing so.

First, the shotguns are aging and require a great deal of care. Secondly, the shotgun is heavy and can be difficult for many of us to handle. In this regard, I also have concerns about the control of pellets or a slug when the shotgun is fired. Finally, our current patrol-level tactical training calls for the use of a rifle. We are currently training patrol officers in what is known as "Active Shooter" situations. Primarily designed to prepare officers to respond to shooting incidents in schools or businesses, it calls for the use of an accurate shoulder-fired weapon. The shotgun does not meet this need.

Realizing that we do not have the funds to purchase such weapons, our Firearms Training Team has been talking with collectors and dealers. Some have offered to purchase the machine guns while others have offered to us a variety of trades. Recently we were contacted by Cinema Weaponry LLC of Glendale, California. This company provides weapons for the movie industry. Cinema Weaponry has offered to trade to us twenty (20) new Colt Law enforcement M4 semi-automatic carbines with accessories in return for the six machine guns. They would also pay for the shipping costs. Our firearms team had already settled on the M4 as the rifle of choice and has recommended to me that this trade would meet our needs. The purchase price of an M4 is approximately \$950. Therefore, this trade would result in a savings to us of \$19,000 if we were to have to purchase these rifles.

We have been in contact with the Bureau of Alcohol, Tobacco and Firearms in regards to this transaction. They have advised us that this trade is legal and will provide guidance with the appropriate paperwork. I have also asked our City

Attorney to review this transaction and to assist us with the appropriate legal agreement.

To us during these tight budget times it makes sense to trade these weapons that we will never be able to use for weapons that we can use. We ask for your consideration in approving this trade.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Consideration of this request.

H. Resolution Opposing the Elimination of the Community Development Block Grant Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services Department to submit it to the Federal Administration.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

I. Resolution to Support Additional Municipal Service Cooperation throughout Muskegon County.

Motion by Commissioner Gawron, second by Commissioner Carter to approve the Consent Agenda with the exception of item J.

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

Nays: None

MOTION PASSES

2005-34 ITEM REMOVED FROM THE CONSENT AGENDA:

J. Policy Regarding Local Preference Purchasing / Contracting.

Motion by Vice Mayor Larson, second by Commissioner Davis to adopt the policy with change.

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

Nays: None

MOTION PASSES

2005-35 UNFINISHED BUSINESS:

A. Create a Special Assessment District for Ireland Avenue, Franklin to Davis (Tabled from 3-22-05). ENGINEERING

SUMMARY OF REQUEST: To create the special assessment district and appoint two

City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

Motion by Commissioner Spataro, second by Commissioner Gawron to create the special assessment district for Ireland, Davis to Franklin and assign two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

Commissioner Gawron and Spataro were appointed to the Board of Assessors.

B. Create a Special Assessment District for Franklin Street, Laketon to Ireland (Tabled from 3-22-05). ENGINEERING

SUMMARY OF REQUEST: To create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

Motion by Commissioner Spataro, second by Commissioner Gawron to create the special assessment district for Franklin, Laketon to Ireland and assign two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

Commissioner Gawron and Spataro were appointed to the Board of Assessors.

2005-36 NEW BUSINESS:

A. MDNR Agreement Amendment for Lakeshore Trail. CITY MANAGER

SUMMARY OF REQUEST: To adopt a resolution to approve a Project Agreement amendment between the City and MDNR for the Lakeshore Trail project. This is necessary to complete the Chase Hammond Golf Course conversion.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the MDNR Agreement and resolution.

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

Nays: None

MOTION PASSES

B. Approval of the 2005-2006 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the 2005-2006 Action Plan for the City of Muskegon Community Development Block Grant/HOME activity. If the Action Plan is approved, the CNS will continue the comment period of the Action Plan as amended if needed until April 17, 2005. On April 18, 2005, the CNS office will submit the Action Plan to the U.S. Housing and Urban Development as required in order to request the release of funds for the 2006-2007 fiscal year.

FINANCIAL IMPACT: Action Plan establishes the 2005-2006 budget.

BUDGET ACTION REQUIRED: None at this time, budget established by Action Plan.

STAFF RECOMMENDATION: To approve the Action Plan.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the 2005-2006 Action Plan.

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

Nays: None

MOTION PASSES

C. Public Service Building Modifications. PUBLIC WORKS

SUMMARY OF REQUEST: We are requesting approval to purchase one heating and air conditioning unit to service 2 offices being created in a shop area. This equipment will also replace aging equipment for the conference room and 3 other interior offices. By centralizing to one unit and eliminating 4 other units, energy savings are anticipated.

FINANCIAL IMPACT: \$11,553.67. \$50,000 has been earmarked for capital needs at the Public Service Building in 2005.

BUDGET ACTION REQUIRED: None needed.

STAFF RECOMMENDATION: Recommend approval.

Motion by Vice Mayor Larson, second by Commissioner Carter to approve the Public Service Building modifications and award the bid to Bowen Refrigeration, Heating & Cooling.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington
Nays: None

MOTION PASSES

D. Signal Maintenance for Public Crossing over CSX's Tracks. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to issue a payment of \$30,000 due CSX from the City for the nine (9) public crossing over active CSX tracks. The Attorney's Office reviewed the claims by CSX and found them to be accurate in their demand for compensation as called for in Public Act 354, adopted in 1994. Staff was not aware of such charges until the bill was received in March of 2005. The amount requested was negotiated down with CSX to \$30,000 from the amount originally requested of \$37,530.

FINANCIAL IMPACT: \$30,000.

BUDGET ACTION REQUIRED: This additional expense will be reported on the upcoming quarterly budget update.

STAFF RECOMMENDATION: Authorize payment to CSX for \$30,000.

Motion by Commissioner Spataro, second by Vice Mayor Larson to authorize payment.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and Carter
Nays: None

MOTION PASSES

E. Consideration of Bids for Pine Street, Laketon to Dale. ENGINEERING

SUMMARY OF REQUEST: The milling and resurfacing contract (H-1601) on Pine Street between Laketon Avenue and Dale Avenue be awarded to Asphalt Paving, Inc. out of Muskegon, MI. Asphalt Paving, Inc. was the lowest responsible bidder with a bid price of \$33,445.60.

FINANCIAL IMPACT: The construction cost of \$33,445.60 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Asphalt Paving, Inc.

Motion by Vice Mayor Larson, second by Commissioner Gawron to award the contract to Asphalt Paving, Inc.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis
Nays: None

MOTION PASSES

F. Transmittal of 2004 Comprehensive Annual Financial Report. FINANCE

SUMMARY OF REQUEST: The City's 2004 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 2004 CAFR has been prepared in accordance with GASB 34 accounting standards. The 2004 CAFR also includes the "single-audit" of federal grants. Previously, the single audit was filed as a separate report.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2004 and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Acceptance of the 2004 CAFR.

Motion by Commissioner Carter, second by Commissioner Gawron to approve the 2004 CAFR.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron
Nays: None

MOTION PASSES

G. Request for Encroachment Agreement By: Lake Express LLC. ENGINEERING

SUMMARY OF REQUEST: Lake Express LLC has requested your permission to erect directional sign on the Lakeshore Drive public right of way. The proposed location of the sign is the northwesterly corner of the intersection of Lakeshore Drive and Estes (assumption is Estes is a north-south direction). The sign will be a double face lit-up and raised about 10' above the sidewalk surface.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the encroachment agreement with supplemental conditions.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson
Nays: None

MOTION PASSES

H. Consideration of Bids: Janitorial Services for 2005 – 2008. ENGINEERING

SUMMARY OF REQUEST: To award a janitorial services contract to Reliant Professional Cleaning out of Grand Haven to clean City Hall/Police Department and the Public Service Building for the next 3-years starting May 1, 2005, and thru April 30, 2008, with an option on a fourth year. Reliant was the lowest responsible bidder with bid price as follows:

	2005-06	2006-07	2007-08	Total
City Hall & P.D.	\$40,435.04	\$40,435.04	\$41,166.04	\$122,036.12
Public Service Building	\$12,459.60	\$12,459.60	\$12,699.60	\$37,618.80
Totals	\$52,894.64	\$52,894.64	\$53,865.64	\$159,654.92

FINANCIAL IMPACT: The above stated annual costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To award a three-year contract to Reliant Professional Cleaning with an optional fourth.

Motion by Commissioner Gawron, second by Commissioner Spataro to award a three-year contract with option for fourth to Reliant Professional Cleaning.

**ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd
Nays: None**

MOTION PASSES

I. LEAD Program – City Participation in GEAR UP 2011 Grant Proposal. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Muskegon Public Schools is requesting the City's partnership in the above-referenced program. Giving their tight timeline (they requested a response on March 29, 2005) and the fact that what was requested of the City complies with the City Commission's goal to "Foster Opportunities for City Youth", with the City Manager's approval we consented to participate contingent upon City Commission approval. I have also provided a summary breakdown of the type of in-kind services the City might offer in exchange for students volunteer services at City activities.

FINANCIAL IMPACT: Largely in-kind service.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends partnering with Muskegon Public School to apply for GEAR UP 2011 Grant Proposal.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve partnering with Muskegon Public School to apply for GEAR UP 2011 Grant Proposal.

**ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro
Nays: None**

MOTION PASSES

J. Accept Shoreline Dr. East (First to Eastern) into the City's Street System. ENGINEERING

SUMMARY OF REQUEST: Adopt the resolution, including exhibit A, accepting Shoreline Drive East from First Street to Eastern Avenue and the realigned section of Ottawa Street between Ottawa and Western Avenue into the City's street system.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the resolution.

Motion by Commissioner Spataro, second by Commissioner Carter to accept Shoreline Drive East into the City's Street System.

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

Nays: None

MOTION PASSES

2005-37 PUBLIC PARTICIPATION: Martha Bottomley explained the Title V Grant.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the request to apply for the second year renewal of Title V Grant.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:04 p.m.

Respectfully submitted,



Gail A. Kunderger, MMC
City Clerk

Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Resolution for Charitable Gaming License

SUMMARY OF REQUEST: Muskegon Community Health Project, 565 W. Western Avenue, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

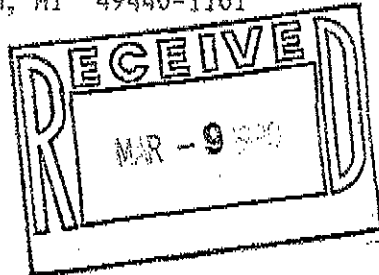
BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

Date: MAR 4 2005

MUSKEGON COMMUNITY HEALTH PROJECT
565 W WESTERN AVE
MUSKEGON, MI 49440-1101



Employer Identification Number:
91-1932918

DLN:

17063306023018

Contact Person:

D. A. DOWNING

ID# 31505

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Form 990 Required:

YES

Addendum Applies:

YES

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(3).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Letter 947 (09/09)

-2-

MUSKEGON COMMUNITY HEALTH PROJECT

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

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$20 per day for each day there is a failure to comply (up to a maximum of \$10,000 in the case of an annual return).

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you 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 present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Letter 947 (00/05)

-3-

MUSKEGON COMMUNITY HEALTH PROJECT

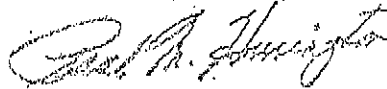
You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



District Director

Enclosure(s):

Apr. 5. 2005 11:25AM MUSK COMM HEALTH PROJECT

-4-

MUSKEGON COMMUNITY HEALTH PROJECT

Guidelines under which private foundations may rely on this determination, for gifts, grants, and contributions made after March 13, 1989, were liberalized and published in Rev. Proc. 89-23, Cumulative Bulletin 1989-1, page 844.

Post-It [®] Fax Note	7871	Date	4-5-05	# of pages	3
To	Juana Potter	From	Kathie West		
Co./Dept.		Co.	MCHP		
Phone #		Phone #	728-3201		
Fax #	724-4178	Fax #			

Letter 797 (DC/DB)



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))

2005-33(b)

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

called to order by Mayor Warmington on April 12, 2005
DATE

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

Moved by Commissioner Gawron and supported by Commissioner Carter

that the request from Muskegon Community Health of Muskegon,
Project NAME OF ORGANIZATION CITY

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

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

gaming license, be considered for Approval.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas:

Nays:

Absent:

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

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

meeting held on April 12, 2005
DATE

SIGNED: Gail A. Kunderger
TOWNSHIP, CITY, OR VILLAGE CLERK

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

933 Terrace, Muskegon, MI 49440

ADDRESS

COMPLETION: Required
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)

Commission Meeting Date: March 25 2005

*Needs
2nd Reading*

Date: March 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to clarify the definition for "Setback, Front".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to clarify the definition for "Setback, Front".

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 3/10 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

March 10, 2005

Hearing, Case 2005-13 – Staff initiated request to amend Article II (Definitions) of the Zoning Ordinance to clarify definition for “Setback, Front”.

BACKGROUND

A legal lot must have frontage on either a public street or private road. Since the definition for Lot Frontage is “The unbroken length of the front lot line which is contiguous to a public street or private road”, staff feels that in order to stay consistent, the “Setback, Front” definition should contain the same language.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**.

Setback, Front: Minimum unoccupied distance, extending the full lot width, between the principal building and any lot line abutting a **public street or private road**.

DELIBERATION

I move that the amendment to Article II (Definitions) of the Zoning Ordinance to clarify the definition for “Setback, Front”, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2147

An ordinance to amend Article II (Definitions) of the Zoning Ordinance to clarify definition for "Setback, Front".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) is hereby amended to clarify the definition of "Setback, Front":

Setback, Front: Minimum unoccupied distance, extending the full lot width, between the principal building and any lot line abutting a **public street or private road.**

This ordinance adopted:

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

Nays: None

Adoption Date: April 12, 2005

Effective Date: April 29, 2005

First Reading: March 22, 2005

Second Reading: April 12, 2005

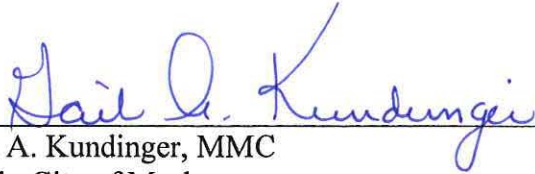
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of April, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: April 12, 2005



Gail A. Kunderger, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on April 12, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) of the Zoning Ordinance to clarify the definition for "Setback, Front".

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

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

Published: April 19, 2005.

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: March 25 2005

*Needs
2nd Reading*

Date: March 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add a definition for "Informational Sign".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add a definition for "Informational Sign".

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 3/10 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

March 10, 2005

Hearing, Case 2005-12 – Staff initiated request to amend Article II (Definitions) of the Zoning Ordinance to add a definition for “Informational Sign”.

BACKGROUND

In order to differentiate between types of signs, we need to add a definition for “Informational Sign” to our “Definitions” section of the ordinance. Staff feels the following definition most accurately describes and informational sign.

NEW LANGUAGE

Informational Sign: A single or double-faced sign not exceeding six (6) square feet in surface area, intended primarily for the convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operations, public telephone, and instructions regarding parking.

DELIBERATION

I move that the amendment to Article II (Definitions) of the Zoning Ordinance to add a definition for “Informational Sign” be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2148

An ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Informational Sign".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) is hereby amended to include the following definitions for "Informational Sign":

Informational Sign: A single or double-faced sign not exceeding six (6) square feet in surface area, intended primarily for the convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operations, public telephone, and instructions regarding parking.

This ordinance adopted:

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

Nays: None

Adoption Date: April 12, 2005

Effective Date: April 29, 2005

First Reading: March 22, 2005

Second Reading: April 12, 2005

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of April, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: April 12, 2005.



Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on April 12, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Informational Sign".

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

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

Published: April 19, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: March 22, 2005

*Needs
2nd Reading*

Date: March 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
RE: Zoning Ordinance Amendment to the Sign Ordinance for Campus Signage

SUMMARY OF REQUEST:

Request to amend Section 2334 (10.) of Article XXIII (General Provisions) to amend the sign ordinance language regarding campus signage.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding campus signage.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 3/10 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

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

March 10, 2005

Hearing, Case 2005-11 – Staff initiated request to amend Section 2334 of Article XXIII (General Provisions) of the Zoning Ordinance to amend the sign ordinance language regarding campus signage.

BACKGROUND

The campus language was recently put to the test with a rather complicated request from Hackley Hospital to update their signage around their campus. Staff at that time noticed certain things that needed to be clarified or added to the ordinance. For example, staff noticed that informational and directional signs were not addressed in the campus language, but are a very important aspect of most campus signage plans.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are **bold**.

10. Campus Signage:

- a. Scope: Signs shall pertain exclusively to the business(es) carried on within the campus area. These regulations shall apply to any campus situation in any zoning district.
- b. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- c. Number: One (1) monument or pole sign is permitted per campus, to be located in a prominent location **such as the intersection of two major road frontages or near a main campus building**(but not at a drive entrance) on the campus property in order to identify the major point of presence for the campus ~~in accordance with Table II.~~ In addition, one (1) monument or pole sign is permitted per entrance/exit ~~to~~ **on** the campus proper ~~not to exceed thirty-two (32) square feet.~~ In addition, one (1) campus “map” sign is permitted per parking area of ten thousand (10,000) square feet or more, interior to the campus itself, ~~not to exceed twenty-four (24) square feet.~~ One (1) free-standing sign is permitted per building located on the campus **for identification purposes only.**
- d. Wall, Awning or Braquet-Bracket Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face for any building located on the campus and may be placed on any wall. If a free-standing building identification sign is to be used for a particular building, the size of such sign will be subtracted from the total amount of wall signage allowed for the building.

- e. Wall, Awning or Bracket Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- f. Changeable copy or electronic message boards: Shall be permitted provided:
 - 1) One changeable or electronic message board shall be permitted per campus.
 - 2) Changeable copy boards shall be part of a fixed, permanent sign and shall have rigid letters.
 - 3) Electronic message boards shall be dimmed at dusk.
 - 4) Electronic message board supports shall be at least seventy-five (75) feet from any residential use.
- g. Free-standing signs:
 - 1) Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 - 2) Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
 - 3) Area and Height: ~~Signs identifying the major point of presence of the campus may not be larger than forty-eight square feet (48) and must be no higher than fifteen (15) square feet. Free-standing signs located at campus entrance ways and campus map signs may not be larger than thirty-two (32) square feet, and must be no higher than fifteen (15) feet. Free-standing building identification signs may not be larger than fifteen (15) square feet and must be ground-mounted, monument signs only.~~
 - i. **Signs identifying the major point of presence of the campus shall be in accordance with Table II.**
 - ii. **Free-standing signs located at campus entrances and exits may not be larger than thirty-two (32) square feet, and must be no higher than fifteen (15) feet.**
 - iii. **Map signs may not be larger than twenty four (24) square feet, and must be no higher than six (6) feet.**
 - iv. **Free-standing building identification signs may not be larger than fifteen (15) square feet, no higher than six (6) feet, and must be ground-mounted, monument signs only.**
- h. **Informational and Directional Signs.**
 - 1) **No permits shall be required for informational or directional signs having a maximum area of six (6) square feet.**

DELIBERATION

I move that the amendment to Section 2334 (10) of Article XXIII (General Provisions) for Campus Signage be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2149

An ordinance to amend Section 2334 (10.) of Article XXIII (General Provisions) of the Zoning Ordinance to amend the sign ordinance language regarding campus signage.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (10.) of Article XXIII (General Provisions) is hereby amended to regarding the sign ordinance campus signage:

10. Campus Signage:

- a. Scope: Signs shall pertain exclusively to the business(es) carried on within the campus area. These regulations shall apply to any campus situation in any zoning district.
- b. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- c. Number: One (1) monument or pole sign is permitted per campus, to be located in a prominent location **such as the intersection of two major road frontages or near a main campus building**(but not at a drive entrance) on the campus property in order to identify the major point of presence for the campus. In addition, one (1) monument or pole sign is permitted per entrance/exit on the campus proper. In addition, one (1) campus "map" sign is permitted per parking area of ten thousand (10,000) square feet or more, interior to the campus itself. One (1) free-standing sign is permitted per building located on the campus **for identification purposes only**.
- d. Wall, Awning or Bracket Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face for any building located on the campus and may be placed on any wall. If a free-standing building identification sign is to be used for a particular building, the size of such sign will be subtracted from the total amount of wall signage allowed for the building.
- e. Wall, Awning or Bracket Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- f. Changeable copy or electronic message boards: Shall be permitted provided:
 - 1) One changeable or electronic message board shall be permitted per campus.
 - 2) Changeable copy boards shall be part of a fixed, permanent sign and shall have rigid letters.
 - 3) Electronic message boards shall be dimmed at dusk.

- 4) Electronic message board supports shall be at least seventy-five (75) feet from any residential use.

g. Free-standing signs:

- 1) Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
- 2) Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
- 3) Area and Height:
 - i. Signs identifying the major point of presence of the campus shall be in accordance with Table II.
 - ii. Free-standing signs located at campus entrances and exits may not be larger than thirty-two (32) square feet, and must be no higher than fifteen (15) feet.
 - iii. Map signs may not be larger than twenty four (24) square feet, and must be no higher than six (6) feet.
 - iv. Free-standing building identification signs may not be larger than fifteen (15) square feet, no higher than six (6) feet, and must be ground-mounted, monument signs only.

h. Informational and Directional Signs.

- 1) No permits shall be required for informational or directional signs having a maximum area of six (6) square feet.

This ordinance adopted:

Ayes: Davis, Gawron, Larson, shepherd, Spataro, Warmington, and Carter

Nays: None

Adoption Date: April 12, 2005

Effective Date: April 29, 2005

First Reading: March 22, 2005

Second Reading: April 12, 2005

CITY OF MUSKEGON

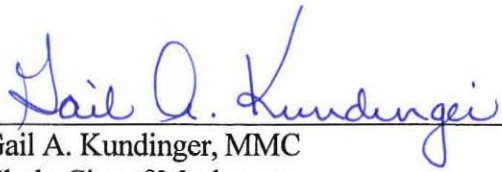
By: _____

Gail A. Kunderinger, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of April, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: April 12, 2005.



Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on April 12, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (10.) of Article XXIII (General Provisions) to amend the sign ordinance language regarding campus signage.

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

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

Published: April 19, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: March 22, 2005

*Needs
2nd Reading*

Date: March 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Rezoning request for properties located at 704, 714, 724,
and 734 E. Apple Avenue

SUMMARY OF REQUEST:

Request to rezone properties located at 704, 714, 724, and 734 E. Apple Avenue, from R-1, Single Family Residential to B-2, Convenience & Comparison Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 3/10 meeting. The vote was unanimous in favor of the amendment, with B. Turnquist and S. Warmington absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2150

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from R-1 "Single Family Residential" to B-2 "Convenience & Comparison Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from R-1 "Single Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON REVISED PLAN OF 1903 E 58 FT LOT 14, LOT 15, 16, 17 & 18
BLK 60

This ordinance adopted:

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

Nays: None

Adoption Date: April 12, 2005

Effective Date: April 30, 2005

First Reading: March 22, 2005

Second Reading: April 12, 2005

CITY OF MUSKEGON

By: _____


Gail A. Kunderger, MMC, City
Clerk

CERTIFICATE (Rezoning of 704, 714, 724 & 734 E. Apple Avenue R-1 to B-2)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th day of April, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: April 12, 2005.



Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on April 12, 2005, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "Single Family Residential" to B-2, "Convenience and Comparison Business":

CITY OF MUSKEGON REVISED PLAN OF 1903 E 58 FT LOT 14, LOT 15, 16, 17
& 18 BLK 60

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

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

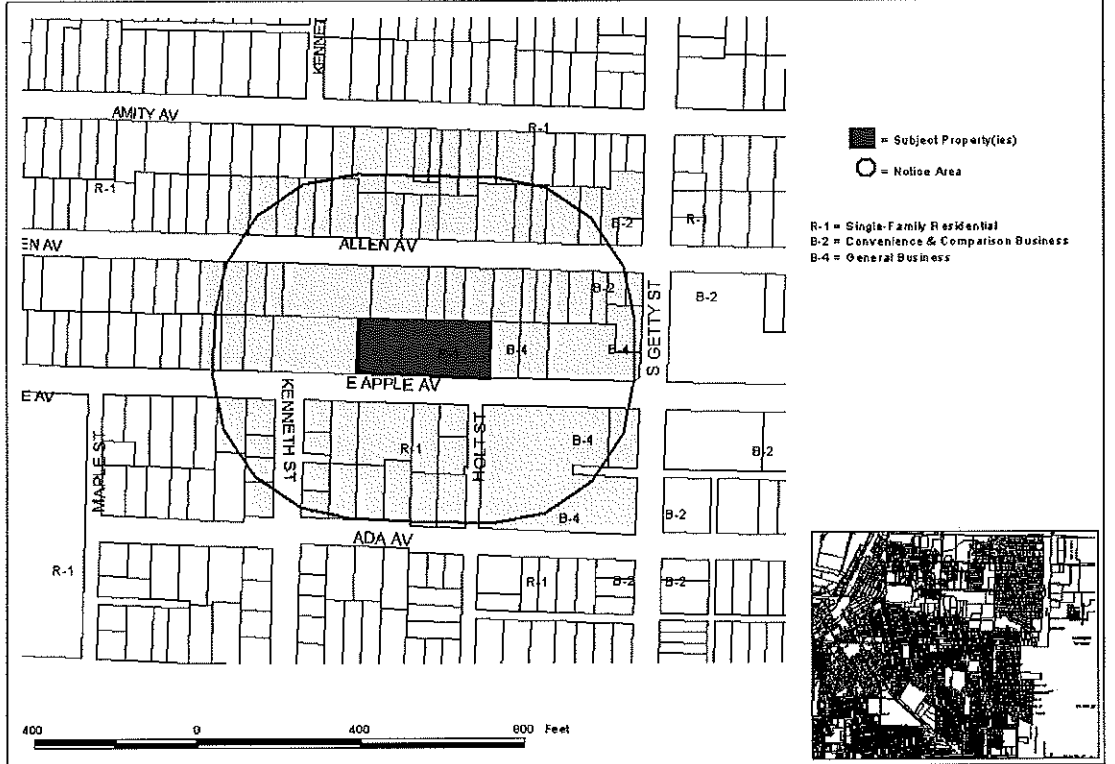
Published April 20, 2005

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
City Clerk

**City of Muskegon
Planning Commission
Case # 2005-10**



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

March 10, 2005

Hearing; Case 2005-10: Request to rezone the property located at 704, 714, 724 and 734 E. Apple Avenue from R-1, Single Family Residential to B-2, Convenience and Comparison Business, by Brenda Bouwman, State Farm Insurance and City Planning Department staff.

BACKGROUND

Applicant: Brenda Bouwman, State Farm Insurance, 704 E. Apple Avenue, Muskegon, and City Planning Department staff.

Property Address/Location: 704, 714, 724, and 734 E. Apple Avenue

Request: Rezone from R-1, Single Family Residential to B-2, Convenience and Comparison Business

Present Land Use: Commercial and Residential

Zoning: R-1, Single Family Residential

STAFF OBSERVATIONS

1. The subject properties at 704 and 714 E. Apple Avenue are presently occupied by State Farm Insurance, and a chiropractor's office. The properties at 724 and 734 E. Apple Avenue are single family rental units.
2. The property is surrounded by other commercially and residentially zoned properties. The property to the East and Southeast are zoned B-4, and the properties to the north, southwest and south, are zoned R-1. There is a commercial use (restaurant) located across the street at 701 E. Apple, in an R-1 district.
3. The State Farm Insurance agency located at 704 E. Apple previously operated out of a home that was located on the same site. At some point in the late 1990's, previous City staff allowed the new office building to be constructed and the house to be demolished without changing the zoning on the property.
4. The property owner would like to expand the building, but since they are a nonconforming use, it isn't allowed within the R-1 zone.

5. Since the building was built as a commercial structure in the late 1990's, no other use of it is foreseen.
6. Since the adjacent property at 714 E. Apple has also reverted to a commercial use, and commercial uses continue to be in demand on the Apple Avenue corridor, staff suggested a rezoning of the strip of properties to B-2 to accommodate those uses. The B-2 zone would also act as a buffer between the more intense B-4 zoning and the remaining R-1 zoned properties located on Apple Avenue.
7. Staff has received no comments regarding this request.

ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

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

SECTION 400: PRINCIPAL USES PERMITTED

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

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
 - a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services

- f. Teaching of music or dancing or similar instruction, limited to one client at a time
- g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
- h. All home occupations are subject to the following:
 - i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.
 - ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
 - iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
 - iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
 - v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
 - vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
 - vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
 - viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
 - ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]

- x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
 - xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
 - xii) There shall be no outside storage or processing.
 - xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
 - xiv) Activities specifically prohibited (but not limited to) include:
 - (1) A service or repair of motor vehicles, appliances and other large equipment
 - (2) A service or manufacturing process which would normally require industrial zoning
 - (3) A commercial food service requiring a license
 - (4) A limousine service
 - (5) A lodging service including but not limited to, a tourist home, motel or hotel
 - (6) A tattoo parlor
 - (7) An animal hospital or kennel
 - (8) A lawn service
 - xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
 3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.

4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

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

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
 - a. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.
 - b. Front, side, and, rear yards shall be at least fifty (50) feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - c. Buildings erected on the premises shall not exceed one (1) story or fourteen (14) feet in height.
 - d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence six (6) feet in height, and entry shall be protected by means of a controlled gate or turnstile.
 - e. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission who may impose reasonable restrictions or requirements so as to insure that contiguous residential areas will be adequately protected.
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least five (5) acres in area.

- b. All ingress to and egress from said site shall be directly onto a major thoroughfare.
 - c. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
- 3. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100, may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
- 4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
- 5. Cemeteries.
- 6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar

residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.

- 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
- 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.

b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.

c. Conditions: [amended 8/04]

- 1) Outdoor storage is prohibited.
- 2) The area devoted to approved uses shall not exceed 2,500 square feet.
- 3) All goods produced on the premises shall be sold at retail on the premises where produced.
- 4) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
- 5) Parking shall be accommodated on site or with limited street parking.
- 6) Hours of operation may be limited by the Planning Commission.
- 7) Signs must comply with those set forth for the

residential zoning district.

- 8) The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be or sold.
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

Planned unit developments (PUDs) may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the single family residential district is to allow for flexibility in the design of housing developments, including but not limited to condominium developments and cluster subdivisions, to allow for the preservation of open space; allow for economies in the provision of utilities and public services; provide recreational opportunities; and protect important natural features from the adverse impacts of development.

1. Determination: The Planning Commission, in reviewing and approving a proposed PUD may allow lots within the PUD to be reduced in area and width and setbacks below the minimum normally required by this ordinance in return for common open space where it is determined that the benefits of the cluster approach will decrease development costs, increase recreational opportunities, or prevent the loss of natural features. The Planning Commission, in its determination, shall consider the densities permitted in the Zoning Ordinance and, if applicable, the land's capability to bear the higher density.
2. Basic Requirements:
 - a. The net residential acreage including improvements and occupied land shall be calculated by taking the total area of the tract and subtracting, in order, the following:

drainage or subsoil conditions such as, but not limited to; slopes greater than 15%; organic, poorly drained soils, and wetlands.

- 3) Portions of the parcel(s) covered by surface waters.
 - 4) Portions of the tract utilized for storm water management facilities.
- b. Undevelopable areas may be used for common open and recreational areas.
 - c. No building shall be sited on slopes steeper than 15%, within 100 feet of any ordinary high water mark, wetland, or on soil classified as being very poorly drained.
3. Density determination: To determine the maximum number of dwelling units permitted on the parcel(s) of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance.
 4. Open space requirement: At least 15% of the site shall be set aside as dedicated common open space. At least one third (1/3) of the common open space shall be usable open space. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach such recreational or common open spaces.
 5. Spacing: The distance between buildings shall not be less than 10 feet and front setbacks shall not be less than 10 feet. In no case shall an individual dwelling lot be less than 4,000 square feet.
 6. Waterfront: Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.
 7. Utility of common open space: Common open space in any one residential cluster shall be laid out, to the maximum extent feasible, to connect with other open space existing or proposed.
 8. Size: Minimum parent parcel size is 21,780 square feet (one-half acre).
 9. Bonus units: Where the developer provides additional open space or amenities within the development, additional density may be granted. A maximum of a 10% unit bonus may be granted to the development for additional amenities such as: public trail easements, additional open space, additional common waterfront area, and additional landscaping.

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 6,000 sq. feet
2. Density (see definition in Article II): 7 dwelling units per buildable acre.
3. Maximum lot coverage:
Buildings: 50%
Pavement: 10%
4. Lot width: 50 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
5. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
6. Height limit: 2 stories or 35 feet.
Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).
7. Front Setbacks: [amended 1/05]
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 25 feet
Minor Street: 15 feet

Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the front setback is below the minimum required.
8. Rear setback: 30 feet
9. Setback from the ordinary high water mark or wetland: 30 feet (principal structures only).
10. Side setbacks:
1-story: 6 feet and 10 feet
2-story: 8 feet and 12 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.

B-2 Convenience and Comparison Business

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Restaurants, or other places serving food.
4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.

5. Office buildings for any of the following types of occupations: executive, administrative and professional.
6. Post offices and other governmental office buildings.
7. Newspaper offices and printing offices.
8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.
9. Contractor's offices, with associated indoor storage. [amended 6/02]
 - a. All associated storage must be contained within a structure, and such structure dedicated to storage shall not exceed five thousand (5,000) square feet in size.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.
10. Recording studios. [amended 8/02]
11. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.
12. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
13. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when no external changes are made to the buildings or properties.

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:

- a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
 - d. All lighting shall be shielded from adjacent residential districts and from abutting streets.
 - e. All rest rooms doors shall be shielded from adjoining residential property.
- 2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
- 3. Business in the character of a drive-in restaurant, or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet shall be provided from the street right-of-way line of any existing or proposed major thoroughfare.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets
- 4. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are

increased above the minimum requirements by one (1) foot for each foot of buildings that exceeds the maximum height allowed.

5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions:
 - a. The maximum length of stay at the facility shall not be greater than fourteen (14) consecutive days.
 - b. Kitchen facilities may be allowed for some or all of the guest units, at the discretion of the Planning Commission, provided that not more than fifty percent (50%) of the units have such facilities.
 - c. The minimum floor area of each guest unit shall contain not less than two-hundred (200) square feet. Each guest unit shall contain a private rest room.
 - d. The minimum lot area shall be one-half (1/2) acre with a minimum width of seventy-five (75) feet. For any new development containing less than one (1) acre there shall be at least sixteen hundred (1600) square feet of lot for each guest rental unit. In no case is a development to exceed 24 total units.
 - e. Parking shall be provided on-site.
 - f. The Planning Commission may require a common open space area of one hundred (100) square feet per unit with tables and seating. This area may be located in the required setback.
6. Stores selling second hand merchandise, subject to the following:
[amended 12/01]
 - a. The site shall be located within or adjacent to an established, identifiable commercial corridor.
 - b. The store will be associated with a bona fied charitable organization, such as but not limited to 501(c)3 organizations.
7. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios:
[amended 5/02]

- c. Parking is required to be provided on the same site as the building. Shared parking will be allowed, if it is irrevocable, and if it will not consume any parking needed for a separate use.
- 8. Contractor's offices, with associated indoor storage of over five thousand (5,000) square feet in size. [amended 6/02]
 - a. All associated storage must be contained within a structure.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.
- 9. Live music concert halls, under the following conditions: [amended 8/02]
 - a. The business will operate in such a manner as to comply with the Noise Ordinance enacted by the City of Muskegon. No music (either live or piped) will be permitted outside the building.
 - b. The business will not be permitted to serve alcohol at any time to any person.
 - c. The business will maintain security staff, both inside and outside the building, at all times when open to customers. Loitering will not be permitted on or around the site.
 - d. The business will not operate between the hours of 3:00 a.m. and 8:00 a.m. No person of 16 years of age or younger will be permitted within the business after midnight and must directly exit the premises after that time.
 - e. The site and general vicinity will be maintained and litter-free, and will be checked for litter every day before opening.
 - f. Security lighting will be provided for the site.
- 10. Self-serve, coin operated, automobile car wash, enclosed in a building.
- 11. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
- 12. Uses similar to the above Special Land Uses Permitted.

SECTION 1102: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments

in the B-2 Convenience and Comparison Business Districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 70 %
Pavement: 25 %
3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 2 stories or 35 feet
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.
Clay Avenue; from Seventh Street to Fourth Street.
Pine Street; from Western Avenue to Apple Avenue.

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

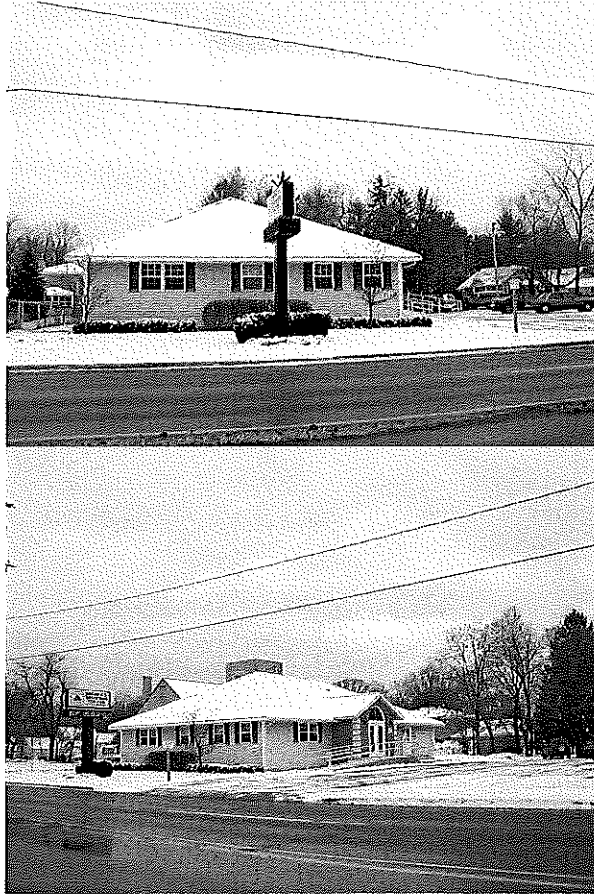
6. Front Setbacks: [amended 1/05]
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet
Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet

7. Rear setback: 10 feet
8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
9. Side setbacks:
 - 1-story: 8 feet and 12 feet
 - 2-story: 10 feet and 14 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.

All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]







RECOMMENDATION

The Master Plan suggests that the Apple Avenue corridor, specifically near the intersection of Getty Street, will continue to experience increased demand for commercial uses, and would be acceptable when using buffer zoning contiguous to residential areas.

As has been the practice in the past, Staff suggests that business zonings be confined to those properties fronting on Apple Avenue, as well as other major corridors, thus protecting single family homes located in the adjacent neighborhoods.

Staff recommends approval of the request, subject to any conditions offered below.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a **"Spot Zone"**?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?

- d. A spot zone is **appropriate if it complies with the Master Plan.**

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the properties located 704, 714, 724, & 734 E. Apple Avenue from R-1, Single Family Residential to B-2, Convenience and Comparison Business district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

CITY COMMISSION MEETING
Tuesday April 12, 2005

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: March 28, 2005

SUBJECT: Procurement of Police Patrol Rifles

SUMMARY OF REQUEST:

The Muskegon Police Department current has in its possession two (2) Thompson and four (4) Uzi machine guns. The department has been in possession of these weapons for many years. While these weapons are of great interest to collectors, they are useless as to our needs. At this same time, we are in need of replacing our current stock of patrol shotguns and there are a number of reasons for doing so.

First, the shotguns are aging and require a great deal of care. Secondly, the shotgun is heavy and can be difficult for many of us to handle. In this regard, I also have concerns about the control of pellets or a slug when the shotgun is fired. Finally, our current patrol-level tactical training calls for the use of a rifle. We are currently training patrol officers in what is known as "Active Shooter" situations. Primarily designed to prepare officers to respond to shooting incidents in schools or businesses, it calls for the use of an accurate shoulder-fired weapon. The shotgun does not meet this need.

Realizing that we do not have the funds to purchase such weapons, our Firearms Training Team has been talking with collectors and dealers. Some have offered to purchase the machine guns while others have offered to us a variety of trades. Recently we were contacted by Cinema Weaponry LLC of Glendale, California. This company provides weapons for the movie industry. Cinema Weaponry has offered to trade to us twenty new (20) Colt Law enforcement M4 semi-automatic carbines with accessories in return for the six machine guns. They would also pay for the shipping costs. Our firearms team had already settled on the M4 as the rifle of choice and has recommended to me that this trade would meet our needs. The purchase price of an M4 is approximately \$950. Therefore, this trade would result in a savings to us of \$19,000 if we were to have to purchase these rifles.

We have been in contact with the Bureau of Alcohol, Tobacco and Firearms in regards to this transaction. They have advised us that this trade is legal and will provide guidance with the appropriate paperwork. I have also asked our City Attorney to review this transaction and to assist us with the appropriate legal agreement.

To us during these tight budget times it makes sense to trade these weapons that we will never be able to use for weapons that we can use. We ask for your consideration in approving this trade.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Consideration of this request.

CINEMA WEAPONRY, LLC

**431 MAGNOLIA AVENUE
GLENDALE, CA 91204
(818) 246-4333 FAX (818) 246-3990
Federal I.D. #95-3978468**

January 19, 2005

Sargeant Ray Barthelemy
Muskegon Police Department
Post Office Box 536
Muskegon, Michigan 49443

Dear Sergeant Barthelemy:

Thank you for the opportunity to bid on your weapons. After reviewing the paperwork we received today, we find the two Thompson machine guns are on a Form 10. They will have to have their receivers torch-cut to ATF specifications, which is fine and good with us. The (4) Uzis are also restricted-registration; for police agencies and Class 3 dealers only, not for sale to the general public.

What our company is offering to trade is: (20) Colt LE-6920 16" M4-style semi-auto law enforcement carbines, each with 2 magazines, sling and cleaning kit for your (2) Thompsons and (4) Uzis with all accessories as pictures in your photographs.

Shipping costs for the new equipment will be paid by Cinema Weaponry, LLC. All goods from Cinema Weaponry, LLC will be delivered prior to the Muskegon Police Department shipping its equipment to Cinema Weaponry, LLC.

Please let me know if this offer is acceptable to you. Please telephone with any questions to (818) 246-4333 or my Cell (818) 254-7053. Thank you.

Sincerely,



Michael Papac

MP:mg

2005-33(g)

Agreement for Exchange of Weaponry

This Agreement for Exchange of Weaponry is made April 12, 2005, between Cinema Weaponry, LLC, of 431 Magnolia Avenue, Glendale, California 91204 ("Cinema Weaponry"), and the Muskegon Police Department, of PO Box 536, Muskegon, Michigan 49443 ("MPD"), with reference to the following facts:

Background

- A. Cinema Weaponry owns 20 Colt LE-6920 16" M4-style semi-auto law enforcement carbines, each with two magazines, sling, and cleaning kit (collectively hereinafter referred to as "Cinema Weaponry's Weapons").
- B. MPD owns two Thompson machine guns and four Uzis, together with all the accessories shown in the pictures it previously provided Cinema Weaponry (collectively referred to as "MPD's Weapons").
- C. Cinema Weaponry and MPD desire to exchange their respective weapons as described in this Agreement, pursuant to the terms and conditions of this Agreement.

Therefore, the parties agree as follows:

1. **Weapons to be Exchanged.** Cinema Weaponry agrees to exchange its 20 Colt LE-6920 16" M4-style semi-auto law enforcement carbines, each with two magazines, sling, and cleaning kit, for MPD's two Thompson machine guns and four Uzis, together with all the accessories shown in the pictures MPD previously provided Cinema Weaponry.

2. **Delivery of Weapons.** Cinema Weaponry shall first deliver Cinema Weaponry's Weapons to MPD. Upon receipt of Cinema Weaponry's Weapons, MPD shall deliver MPD's Weapons to Cinema Weaponry.

Cinema Weaponry shall pay for the shipping of all weapons. Each party agrees to comply with all federal and state weaponry shipping requirements.

3. **Representations and Warranties of Cinema Weaponry.** Cinema Weaponry represents and warrants the following:

- a. Cinema Weaponry is a registered dealer for the weapons it is exchanging with MPD. Further, Cinema Weaponry has the right to dispose of those weapons being transferred to City and the right to acquire those weapons it will receive from City;

b. Cinema Weaponry is in compliance with all federal and state regulations, including any regulations of the Bureau of Alcohol, Tobacco and Firearms;

c. Cinema Weaponry has the full right to transfer the weapons it is exchanging with MPD; and,

d. There are no judgments, liens, mortgages, pledges, claims, rights, security interests, encumbrances, or any other adverse interests of any kind or nature against the Cinema Weaponry Weapons.

4. **Representations and Warranties of MPD.** MPD represents and warrants the following:

a. MPD has the full right to transfer the weapons it is exchanging with MPD; and,

b. There are no judgments, liens, mortgages, pledges, claims, rights, security interests, encumbrances, or any other adverse interests of any kind or nature against the MPD Weapons.

5. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties. Any prior understating or representation of any kind preceding the date of this Agreement shall not be binding upon either party, except to the extent expressly set forth in this Agreement.

6. **Modification of Agreement.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

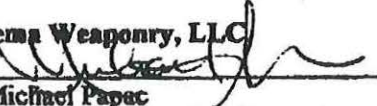
The parties have signed this Agreement the date first above set forth.

CITY - CITY OF MUSKEGON

By: 
Stephen J. Warmington, Its Mayor

and: 
Gail A. Kunding, MMC, Its Clerk

Cinema Weaponry, LLC

By: 
Michael Papac
Title: OWNER MANAGER

6-22-05

Commission Meeting Date: April 12, 2005

Date: April 6, 2005

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services W. G.
Department**

RE: Approval of Resolution

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to submit it to the federal administration.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution

COMMITTEE RECOMMENDATION: To support the resolution

City of Muskegon Resolution

2005-33(h)

Opposing the Elimination of the Community Development Block Grant Program (CDBG)

WHEREAS, the administration has proposed as part of its 2006 fiscal year budget, the elimination of the Community Development Block Grant program. The CDBG program has funded a myriad of housing programs, social services and economic development initiatives since 1974 in this community.

WHEREAS, in the City of Muskegon and throughout the nation, thirty years of Community Development Block Grant funding has developed a strong network of relationships between local governments, residents and many non-profit agencies that provide services and help our community in our community development and neighborhood revitalization efforts.

WHEREAS, the City of Muskegon recognizes all the participants whose hard work and devotion to the neighborhoods and the low and moderate-income residents in our city help insure a better quality of life for all Muskegon residents.

NOW THEREFORE, BE IT RESOLVED, that as the mayor of the City of Muskegon I, Steve Warmington, and my fellow commissioners oppose the proposed elimination of the Community and Development Block Grant Program.

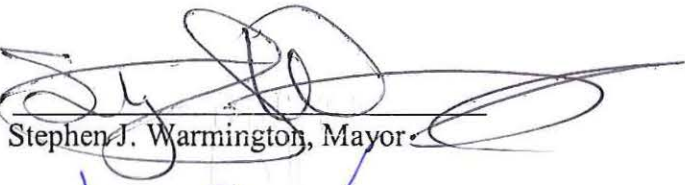
BE IT FURTHER RESOLVED, that this community along with the other service providers in the City of Muskegon hereby petition the U. S. Congress and Administration to recognize the outstanding work being done locally and nationally by the CDBG program and its vital importance to our community and throughout the country.

Adopted this 12th day of April, 2005

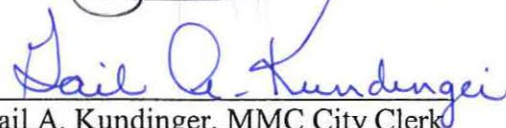
Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and Carter

Nays: None

By


Stephen J. Warmington, Mayor

By

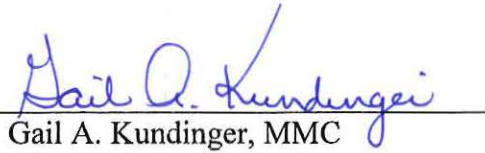

Gail A. Kunding, MMC City Clerk

CERTIFICATION
2005-33(h)

This resolution was adopted at a regular meeting of the City Commission, held on April 12, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By:


Gail A. Kunding, MMC

City Clerk

RESOLUTION NO. 2005-33(i)

CITY OF MUSKEGON

RESOLUTION TO SUPPORT ADDITIONAL MUNICIPAL SERVICE
COOPERATION THROUGHOUT MUSKEGON COUNTY.

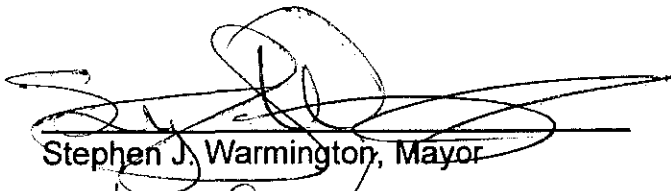
WHEREAS, the City of Muskegon and several other municipalities cooperate to provide services to its citizens throughout Muskegon County; and

WHEREAS, there is a continuous need for municipalities in Muskegon County to cooperate in order to provide the most effective and cost-efficient municipal services; and

WHEREAS, the City of Muskegon desires to continue to explore and implement further efforts to cooperate with Muskegon County municipalities to provide high quality municipal services.

NOW, THEREFORE, BE IT RESOLVED, that the City of Muskegon hereby supports further efforts of municipal cooperation in providing municipal services including, but not limited to, functional consolidation and contracting for services.

IN WITNESS WHEREOF, I hereunto set
my hand and cause the Seal of the City of
Muskegon to be affixed this 12th day of
April, 2005.


Stephen J. Warmington, Mayor


Gail A. Kunding, City Clerk

CITY OF MUSKEGON
POLICY REGARDING LOCAL PREFERENCE
PURCHASING/CONTRACTING

2005-34(j)

A. Purpose

To establish parameters in order for the City Commission to give local preference consideration for City contracts and purchases.

B. Local Preference Policy

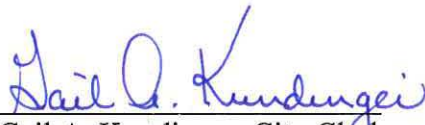
The City Commission may give local preference on purchases and contracts to local businesses when the lowest local business bid/price is within 1% or less of the lowest non-local bid. In cases where the total cost is expected to exceed \$1 million, the City Commission will be consulted on whether local preference may apply, prior to soliciting bids. Additionally, for the purposes of this policy, "local" shall mean a business with a business location in the City of Muskegon.

Adopted: April 12, 2005

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

Nays: None

Absent: None


Gail A. Kunderger, City Clerk

*Tabled
to 4-12-05*

Date: March 22, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Ireland, Davis to Franklin

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-35(a)

Resolution At First Hearing Creating Special Assessment District

For **Ireland, Davis to Franklin**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 22, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 22, 2005**, there were 56.41% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **38.23%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on April 12, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

IRELAND, DAVIS TO FRANKLIN

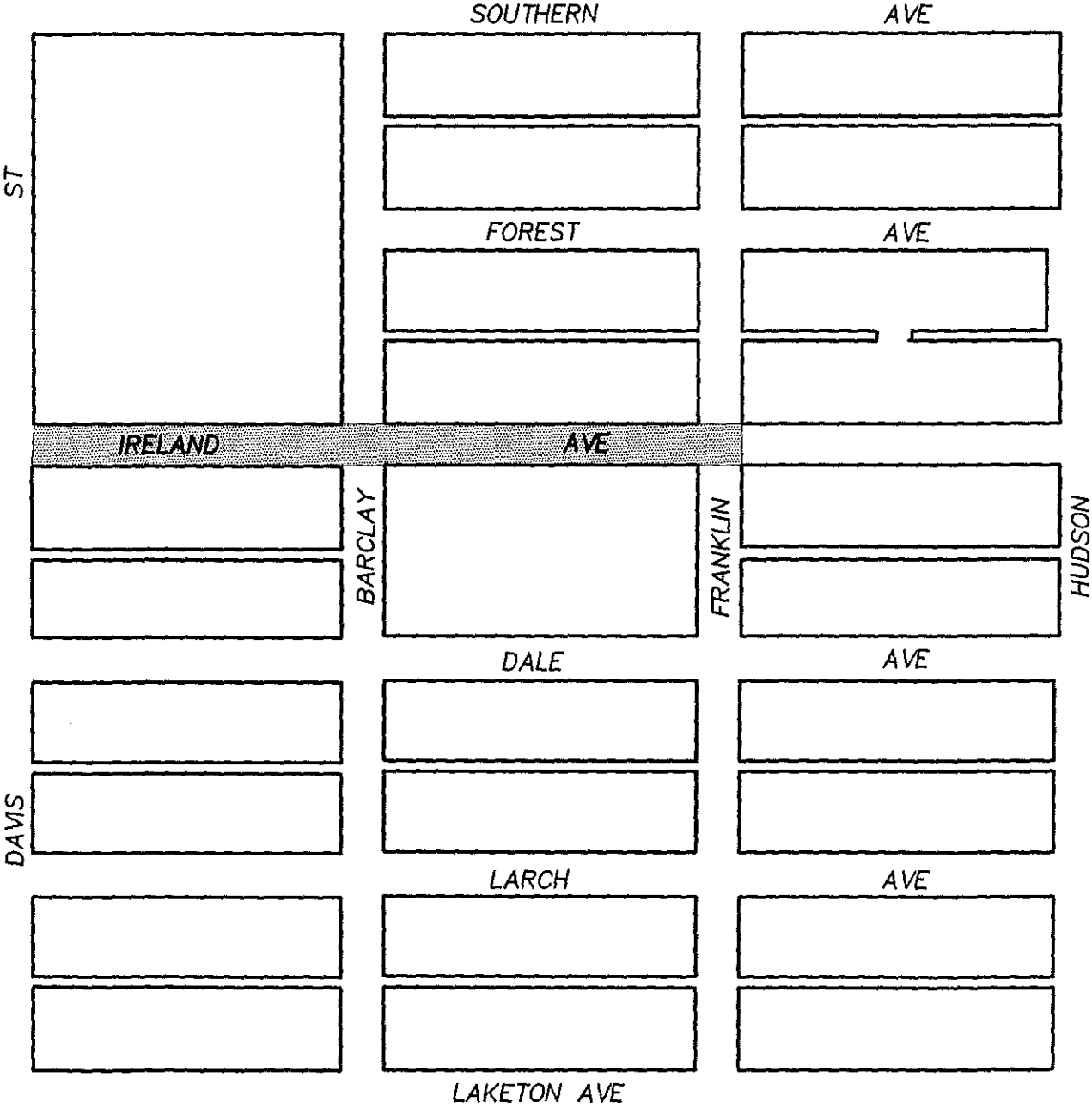
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Ireland, Davis to Franklin

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Ireland Ave., Franklin St. to Davis St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF MARCH 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF April, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

☐
MY COMMISSION EXPIRES 9-25-06

ENGINEERING FEASIBILITY STUDY

For

Ireland, Davis to Franklin

The rehabilitation of Ireland between Davis & Franklin, see attached exhibit for location, was initiated by the City as per the adopted the 2005 CIP. This section of road was identified by staff due to its surface and subsurface conditions. The road surface has a lot of patches due to poor drainage and utility work. As for the subsurface conditions, the existing watermain system has required numerous calls for repairs to the services as well as the main itself. The age and type of sub-surface soils (clay) have played a significant roll in the deterioration of both surface & sub-service conditions. The proposed work consists of removal of the sub-base material (aggregate) and saving the existing curbs, for the most part, unless replacement is necessary to enhance drainage or to facilitate the construction of a sidewalk ramps. The proposed improvements (Major-Rehabilitation) consist of following;

1. Complete removal of existing pavement, without removing curbs & gutters) and replace with a new asphalt street section that would include new sub-base material.
2. replace water main and services
3. minor storm sewer work
4. minor sanitary sewer work

Completing this proposed project would address at least the following 2004-2005 goals;

- 1. Develop & Maintain City's infrastructure and facilities**
- 2. Maintain & enhance the residential neighborhood of the City**
- 3. Blight Fight**

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

The preliminary cost estimate for the work associated with paving is \$121,000 with the length of the project being approximately 1100 lineal feet (project length) or 1594.82 of assessable footage. This translates into an estimated improvement cost of \$76 per assessable foot. The assessment figure will be at a cost not to exceed \$29.00 per assessable foot as established in the 2005 Special Assessment Rates for this type of improvement

Similar to Pine Street, It is worth stating that the final assessment at the time of spreading the roll (upon completion of the construction) is expected to be well below the \$29 per foot due to the newly enacted policy of not assessing more than 25% of the actual costs associated with the project pavement. As you can see in the resolution, the percentage is well above the 25% limits and therefore, upon completion and when spreading the roll comes up, I fully expect the per foot cost to drop down the mid twenty dollars per assessable foot

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

March 9, 2005

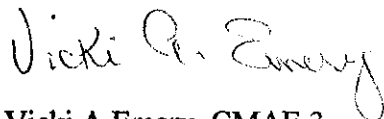
**Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443**

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the major rehabilitation of Ireland Avenue between Franklin Street and Davis Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 9, 2005.

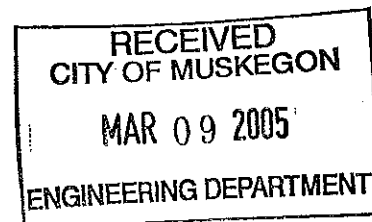
In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$29.00 for the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$31.25. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser



March 11, 2005

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

The City of Muskegon is asking for your support for improvement of the street adjoining your property located at PROPERTY ADDRESS.

The City of Muskegon believes that by making the proposed street improvements you will have less road noise, dust, and wear and tear on your vehicle. In addition, street improvements provide easier access for delivery of services such as snow plowing, mail delivery, and bus service.

Called a special assessment district, the largest percentage of the proposed street improvement will be paid for by the City of Muskegon (via local funds and or grants); however, it will be necessary for you to cover a share of the cost (which you can spread over a period of ten years) based on the amount of property you own bordering the street. A description of the project, including the associated cost to you and the City, is located in the documents attached to this letter.

While the City of Muskegon believes that the proposed improvements will result in a safer and cleaner street while adding curb appeal to your property, you do have the right to ask further questions or protest participation in this particular project. Please carefully review the enclosed materials and call the City's Engineering Department at 724-6707 if you require more information.

A public hearing is also scheduled for this project on MARCH 22, 2005. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

Also located in this packet of materials is a Special Assessment Hearing Response Card. If mailed back to the City of Muskegon City Clerk's Office before the scheduled public hearing your vote will be added to the tabulation of votes during the public hearing. If you do not send in this form your vote counts as "in favor" of the project.

Thank you for your participation in improving the quality of life in the Muskegon community.

March 11, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 1

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

The proposed special assessment district will be located as follows:

All parcels abutting Ireland Ave. from Franklin St. to Davis St.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 22, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

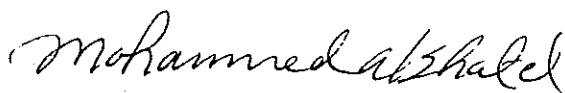
The total estimated cost of the street portion of the project is \$121,000.00 of which approximately 38.227% (\$46,249.78) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 52.3 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,516.70

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 501
LOT 10
& S 1/2 OF VAC ALLEY
ABUTTING SAID LOT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

OWNER'S NAME

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

IN AN EFFORT TOWARDS NEIGHBORHOOD IMPROVEMENT, the Muskegon City Commission is proposing that special assessment districts be created for the following projects:

**IRELAND AVE., DAVIS ST. TO FRANKLIN ST.
AND
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.**

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

All parcels abutting Ireland Ave. from Davis St. to Franklin St.

And

All parcels abutting Franklin St. from Laketon Ave. to Ireland Ave.

The City Commission proposes that the City and property owners by means of special assessments will share the cost of improvement. You may examine preliminary plans and cost estimates in the City Hall's Engineering Department during regular business hours - between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 22, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **March 12, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
IRELAND AVE., FRANKLIN ST. TO DAVIS ST.. H-1600
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
IRELAND AVE., FRANKLIN ST. TO DAVIS ST. H-1600
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1069 IRELAND AVE

Parcel Number 24-205-508-0004-00

Assessable Frontage: 53.8 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,560.20

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 4 BLK 508
ALSO N 1/2 VAC ADJ ALLEY

RECEIVED

MAR 15 2005

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Gary R Matthews

CoOwner/Spouse

Michelle Matthews

Signature

[Signature]

Signature

[Signature]

Address

1069 Ireland

Address

1069 Ireland

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

MATTHEWS GARY JR/MICHELLE 27

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

Property Address: 1077 IRELAND AVE

Parcel Number 24-205-508-0005-00

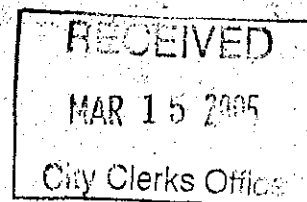
Assessable Frontage: 53.8 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,560.20

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 5 BLK 508
ALSO N 1/2 VAC ADJ ALLEY



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



For T.C. DYER JR CoOwner/Spouse

Signature T.C. Dyer Jr. Signature

Address 1077 Ireland Ave Address

RODREY M DYER

Rodrey M Dyer

1077 Ireland Ave

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

OVER TO JURY/CLERK

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By: MARCH 22, 2005

Parcel Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Property Information

Property Address: 1092 IRELAND AVE

Parcel Number: 24-205-502-0012-00

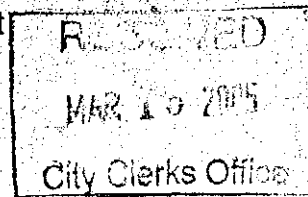
Assessable Frontage: 53.78 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,559.62

Property Description

LOT 10, MUSKEGON
PLAT OF 1903



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Jamie S. Hossink

CoOwner/Spouse

Andrea L. Hossink

Jamie S. Hossink

Signature

Andrea L. Hossink

1092 Ireland Ave.

Address

1092 Ireland Avenue

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

HOSSINK JAMIE/ANDREA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

Property Address: 1086 IRELAND AVE

Parcel Number 24-205-502-0013-00

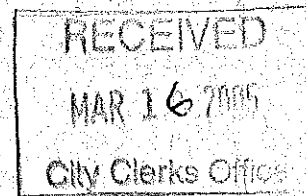
Assessable Frontage: 53.78 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,559.62

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 502
LOT 13



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Kerry Donovan

CoOwner/Spouse

Suzanne Donovan

Signature

[Signature]

Signature

Suzanne Donovan

Address

1086 Ireland

Address

1086 Ireland

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

DONOVAN KERRY J

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1131 IRELAND AVE

Parcel Number: 24-205-509-0001-00

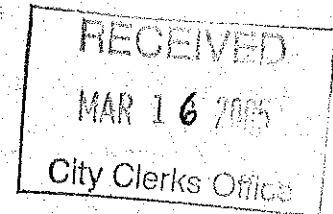
Assessable Frontage: 52.2 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,513.80

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 1 BLK 509



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Monica J Evans

CoOwner/Spouse

Signature

Monica J Evans

Signature

Address

1131 Ireland Ave

Address

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

EVANS MONICA J

21

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1078 IRELAND AVE

Parcel Number 24-205-502-0014-00

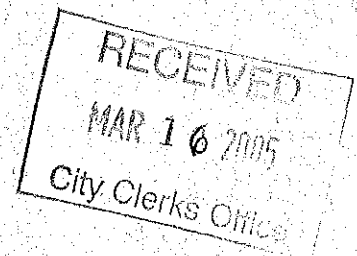
Assessable Frontage: 53.78 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,559.62

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 502
LOT 14



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Kevin Blackmer CoOwner/Spouse _____

Signature [Signature] Signature _____

Address 1078 Ireland Ave. Address _____

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

BLACKMER KEVIN J

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

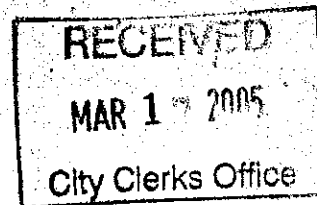
Property Address: 1190 IRELAND AVE

Parcel Number 24-205-501-0010-00

Assessable Frontage: 52.3 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,516.70



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 501
LOT 10
& S 1/2 OF VAC ALLEY
ABUTTING SAID LOT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Gina Fossler

CoOwner/Spouse

Signature

Gina Fossler

Signature

Address

1190 Ireland

Address

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

FOSSLER GINA J

1

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

Property Address: 1173 IRELAND AVE

Parcel Number 24-205-509-0007-00

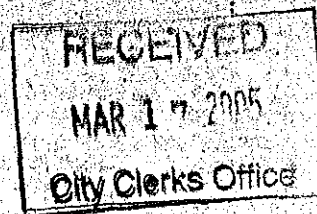
Assessable Frontage: 52.2 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,513.80

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 509
LOT 7



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner: John W. Bloomstrom

CoOwner/Spouse: ONALEE M BLOOMSTROM

Signature: John W. Bloomstrom

Signature: Onalee M Bloomstrom

Address: 1173 Ireland Ave.

Address: 1173 Ireland Ave.

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

IN BLOOMSTROM JOHN
LAWYER & ASSOC

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

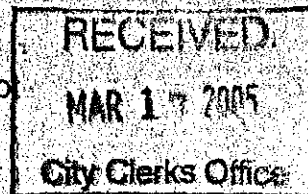
Property Address: 1138 IRELAND AVE

Parcel Number: 24-205-501-0017-00

Assessable Frontage: 52.2 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,513.80



Property Description

CITY OF MUSKOGON
REVISED PLAT OF 1903
BLK 501
LOT 17
& S 1/2 OF VAC ALLEY
ABUTTING SAID LOT

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

David R. Cashbaugh

Co-Owner/Spouse

Ruth Ann Cashbaugh

Signature

David R. Cashbaugh

Signature

Ruth Ann Cashbaugh

Address

1138 Ireland Ave

Address

1138 Ireland Ave

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

CASHBAUGH DAVID R

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1060 IRELAND AVE

Parcel Number 24-205-502-0016-00

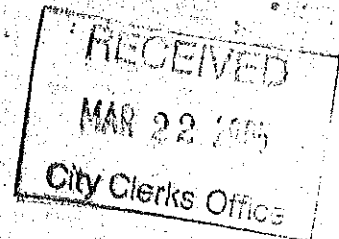
Assessable Frontage: 53.78 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,559.62

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 502
LOT 16



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Monte, Betty

CoOwner/Spouse

Signature

Betty S. Monte

Signature

Address

1060 Ireland

Address

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

MONTY BETTY S

10

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

Property Address: 1045 IRELAND AVE

Parcel Number 24-205-508-0001-00

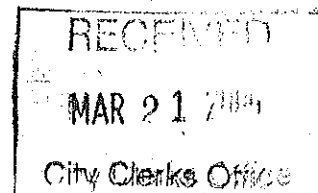
Assessable Frontage: 107.6 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$3,120.40

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 1 & 2 BLK 508
ALSO N 1/2 VAC ADJ ALLEY



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

RANDY BIGGS

CoOwner/Spouse

GRETCHEN BIGGS

Signature

Randy Biggs

Signature

Gretchen Biggs

Address

1045 IRELAND AVE

Address

1045 IRELAND AVE

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

BOOK RANDY A

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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Assessment Information

Property Address: 1054 IRELAND AVE

Parcel Number 24-205-502-0017-10

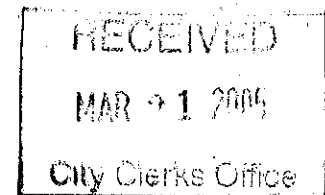
Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,450.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
W 50 FT OF S 1/2 LOT 17 BLK 502



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Charmion Johnson

CoOwner/Spouse

Signature

Charmion Johnson

Signature

Address

1054 Ireland

Address

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

JOHNSON CHARMION J

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1181 IRELAND AVE

Parcel Number 24-205-509-0008-00

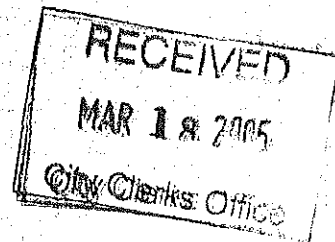
Assessable Frontage: 52.2 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,513.80

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 8 BLK 509



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>Kenneth Griswold</u>	CoOwner/Spouse	<u>Tammy Griswold</u>
Signature	<u>Kenneth Griswold</u>	Signature	<u>Tammy Griswold</u>
Address	<u>2000 Railson</u>	Address	<u>2000 Railson</u>

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

GRISWOLD KENNETH R

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1070 IRELAND AVE

Parcel Number 24-205-502-0015-00

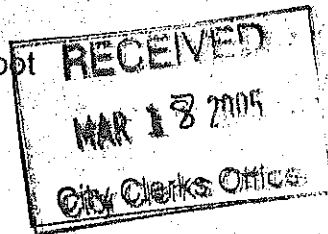
Assessable Frontage: 53.78 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,559.62

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 502
LOT 15



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner: RAY E. GRISHAM CoOwner/Spouse _____

Signature: [Signature] Signature _____

Address: 1070 IRELAND AV Address _____

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

GRISHAM RAY E

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1063 IRELAND AVE

Parcel Number 24-205-508-0003-00

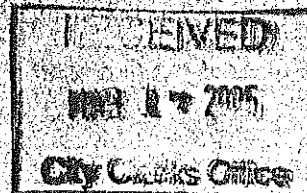
Assessable Frontage: 53.8 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,560.20

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 3 BLK 508
ALSO N 1/2 OF VAC ALLEY ADJ



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Michael Jansen

CoOwner/Spouse _____

Signature Michael Jansen

Signature _____

Address 1063 Ireland Ave

Address _____

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

JANSEN MICHAEL A

SPECIAL ASSESSMENT

H 1600

MAJOR REHABILITATION

HEARING DATE

MARCH 22, 2005

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

1	FOSSLER GINA J	ASSESSABLE FEET:	52.3
24-205-501-0010-00	1190 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1190. IRELAND AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,516.70
2	CASHBAUGH DAVID R	ASSESSABLE FEET:	52.2
24-205-501-0017-00	1138 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1138. IRELAND AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,513.80
3	KING RHONDA K	ASSESSABLE FEET:	52.2
24-205-501-0018-00	1130 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1130. IRELAND AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,513.80
4	SPINERETE ENT	ASSESSABLE FEET:	53.78
24-205-502-0010-00	514 GRANT AVE	COST PER FOOT:	\$29.00
@ 1110. IRELAND AV GRAND HAVEN MI 49417		ESTIMATED P.O. COST:	\$1,559.62
5	THOMPSON CATHERINE A	ASSESSABLE FEET:	53.78
24-205-502-0011-00	1102 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1102. IRELAND AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,559.62
6	HOSSINK JAMIE/ANDREA	ASSESSABLE FEET:	53.78
24-205-502-0012-00	1092 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1092. IRELAND AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,559.62
7	DONOVAN KEVIN J	ASSESSABLE FEET:	53.78
24-205-502-0013-00	1086 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1086. IRELAND AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,559.62

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

8	BLACKMER KEVIN J	ASSESSABLE FEET:	53.78
24-205-502-0014-00	1078 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1078.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,559.62
9	GRISHAM RAY E	ASSESSABLE FEET:	53.78
24-205-502-0015-00	1070 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1070.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,559.62
10	MONTE BETTY S	ASSESSABLE FEET:	53.78
24-205-502-0016-00	1060 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1060.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,559.62
11	JOHNSON CHARMION J	ASSESSABLE FEET:	50
24-205-502-0017-10	1054 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1054.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,450.00
12	MANOR KRISTOPHER B/TERESA	ASSESSABLE FEET:	57.56
24-205-502-0018-00	345 W RIDGELINE DR	COST PER FOOT:	\$29.00
@ 1645.	FRANKLIN S OGDEN UT 84405-684	ESTIMATED P.O. COST:	\$1,669.24
13	GOULET WILLIAM K	ASSESSABLE FEET:	52.3
24-205-509-0009-00	516 GARDNER ST	COST PER FOOT:	\$29.00
@ 1189.	IRELAND AV MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,516.70
14	GRISWOLD KENNETH R	ASSESSABLE FEET:	52.2
24-205-509-0008-00	2000 ROILSON ST	COST PER FOOT:	\$29.00
@ 1181.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,513.80

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

15	BLOOMSTROM JOHN W/ONALE	ASSESSABLE FEET:	52.2
24-205-509-0007-00	1173 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1173.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,513.80

16	BARNES SCOTT	ASSESSABLE FEET:	50
24-205-509-0006-00	21786 VIRGINIA AVE	COST PER FOOT:	\$29.00
@ 1169.	IRELAND AV EASTPOINTE MI 48021	ESTIMATED P.O. COST:	\$1,450.00

17	SIMA GREGORY W/CHRISTINE K	ASSESSABLE FEET:	54.4
24-205-509-0005-00	1159 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1159.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,577.60

18	SMITH RICHARD A	ASSESSABLE FEET:	52.2
24-205-509-0004-00	1151 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1151.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,513.80

19	HEMPHILL STEPHANIE D	ASSESSABLE FEET:	52.2
24-205-509-0003-00	1145 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1145.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,513.80

20	CASHBAUGH JAMES	ASSESSABLE FEET:	52.2
24-205-509-0002-00	1137 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1137.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,513.80

21	EVANS MONICA J	ASSESSABLE FEET:	52.2
24-205-509-0001-00	1131 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1131.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,513.80

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

22	BROWN PHYLLIS	ASSESSABLE FEET:	53.8	
24-205-508-0009-00	1109 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1109. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				
23	GORTER KEITH/ANN	ASSESSABLE FEET:	53.8	
24-205-508-0008-00	1101 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1101. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				
24	MAYO FRED	ASSESSABLE FEET:	53.8	
24-205-508-0007-00	1093 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1093. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				
25	LOFGREN MARY	ASSESSABLE FEET:	53.8	
24-205-508-0006-00	1085 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1085. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				
26	DYER TC JR/AUDREY M	ASSESSABLE FEET:	53.8	
24-205-508-0005-00	1077 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1077. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				
27	MATTHEWS GARY JR/MICHELLE	ASSESSABLE FEET:	53.8	
24-205-508-0004-00	1069 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1069. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				
28	JANSEN MICHAEL A	ASSESSABLE FEET:	53.8	
24-205-508-0003-00	1063 IRELAND AVE	COST PER FOOT:	\$29.00	
@ 1063. IRELAND AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<table border="1"><tr><td>\$1,560.20</td></tr></table>	\$1,560.20
\$1,560.20				

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

29	BIGGS RANDY A	ASSESSABLE FEET:	107.6
24-205-508-0001-00	1045 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1045.	IRELAND AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$3,120.40

SUM OF ASSESSABLE FOOTAGE:	<u>1594.82</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$46,249.78</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	29.00		

H-1600 IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	FOR					TOTAL NUMBER OF PARCELS - 29					OPPOSE		
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET			
TOTAL ASSESSABLE FRONT FOOTAGE	1594.82 ***		7	1086	IRELAND	24-205-502-0013-00	53.78	6	1092	IRELAND	24-205-502-0012-00	53.78			
FRONT FEET OPPOSED	899.62	56.41%						8	1078	IRELAND	24-205-502-0014-00	53.78			
								21	1131	IRELAND	24-205-509-0001-00	52.20			
								26	1077	IRELAND	24-205-508-0005-00	53.80			
RESPONDING FRONT FEET IN FAVOR	53.78	3.37%						27	1069	IRELAND	24-205-508-0004-00	53.80			
								15	1173	IRELAND	24-205-509-0007-00	52.20			
NOT RESPONDING - FRONT FEET IN FAVOR	641.42	40.22%						1	1190	IRELAND	24-205-501-0010-00	52.30			
								2	1138	IRELAND	24-205-501-0017-00	52.20			
TOTAL FRONT FEET IN FAVOR	695.20	43.59%						28	1063	IRELAND	24-205-508-0003-00	53.80			
								9	1070	IRELAND	24-205-502-0015-00	53.78			
								14	1181	IRELAND	24-205-509-0008-00	52.20			
								10	1060	IRELAND	24-205-502-0016-00	53.78			
								11	1054	IRELAND	24-205-502-0017-10	50.00			
								29	1045	IRELAND	24-205-508-0001-00	107.60			
								3*	1130	IRELAND	24-205-501-0018-00	52.20			
								18*	1151	IRELAND	24-205-509-0004-00	52.20			

* expressed their vote at the hearing date of 3/22/05

TOTALS

53.78

899.62

*Tabled to
4-12-05*

Date: March 22, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Franklin, Laketon to Ireland

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

ENGINEERING FEASIBILITY STUDY

For

Franklin, Laketon to Ireland

The rehabilitation of Franklin between Laketon & Ireland, see attached exhibit for location, was initiated by the City as per the adopted the 2005 CIP. Staff identified this section of road for improvements during the budget process due to its surface and subsurface conditions. The road surface has a lot of patches due to poor drainage and utility work. As for the subsurface conditions, the existing watermain system has required numerous calls for repairs to the services as well as the main itself. The age and type of sub-surface soils (clay) have played a significant roll in the deterioration of both surface & sub-service conditions. The proposed work includes the removal of the sub-base material (aggregate) and saving the existing curbs, for the most part, unless replacement is necessary to enhance drainage or to facilitate the construction of a sidewalk ramps. The proposed improvements (Major-Rehabilitation) consist of following;

1. Complete removal of existing pavement, without removing curbs & gutters) and replace with a new asphalt street section that would include new sub-base material.
2. replace water main and services
3. minor storm sewer work
4. minor sanitary sewer work

Completing this proposed project would address at least the following 2004-2005 goals;

- 1. Develop & Maintain City's infrastructure and facilities**
- 2. Maintain & enhance the residential neighborhood of the City**
- 3. Blight Fight**

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

The preliminary cost estimate for the work associated with paving is \$115,000 with the length of the project being approximately 880 lineal feet (project length) or 677.44 of assessable footage. This translates into an estimated improvement cost of \$169 per assessable foot. The assessment figure will be at a cost not to exceed \$29.00 per assessable foot as established in the 2005 Special Assessment Rates for this type of improvement

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

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Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezhinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

March 9, 2005

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the major rehabilitation of Franklin Street between Laketon Avenue and Ireland Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 9, 2005.

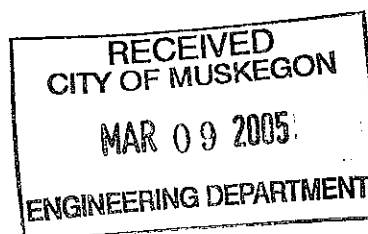
In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project except for parcel number 24-205-508-0001-00, which is also being assessed on project H-1600. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$29.00 for the major rehabilitation of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$32.25. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

Vicki A. Emery

Vicki A Emery, CMAE 3

Senior Appraiser



MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

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District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

March 11, 2004

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

RE: Special Assessment Benefit Analysis # H-1602

Dear Mr. Al-Shatel:

As we previously discussed, I have reexamined the effects of removing parcel number 24-205-508-0001-00 located at 1045 Ireland from this special assessment project due to its inclusion in project H-1600 (Ireland Avenue paving project). It has been determined this parcel would not significantly benefit from the Franklin Street project since the home fronts on Ireland Avenue and the real enhancement to the property would come primarily from project H-1600.

As stated in the report, the total project cost is estimated to be \$150,000. The amount of money to be spread to the property owners by special assessment, minus 1045 Ireland, has been estimated at \$19,653.01 or 13.1% of the total project cost. This equates to \$29.00 per linear foot. The analysis indicates a possible enhancement of \$31.41 per front foot (TCV \$851,371 x 2.5% / 677.69 front feet).

Therefore, I would conclude that the front foot rate of \$29.00 for the major rehabilitation of the proposed project area appears reasonable in light of the analysis that indicates a possible enhancement of \$31.41.

If you have any questions, please call me at 724-6153.

Sincerely,



Dennis W. Burns
Assessment Administration Supervisor

March 11, 2005

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

The City of Muskegon is asking for your support for improvement of the street adjoining your property located at PROPERTY ADDRESS.

The City of Muskegon believes that by making the proposed street improvements you will have less road noise, dust, and wear and tear on your vehicle. In addition, street improvements provide easier access for delivery of services such as snow plowing, mail delivery, and bus service.

Called a special assessment district, the largest percentage of the proposed street improvement will be paid for by the City of Muskegon (via local funds and or grants); however, it will be necessary for you to cover a share of the cost (which you can spread over a period of ten years) based on the amount of property you own bordering the street. A description of the project, including the associated cost to you and the City, is located in the documents attached to this letter.

While the City of Muskegon believes that the proposed improvements will result in a safer and cleaner street while adding curb appeal to your property, you do have the right to ask further questions or protest participation in this particular project. Please carefully review the enclosed materials and call the City's Engineering Department at 724-6707 if you require more information.

A public hearing is also scheduled for this project on MARCH 22, 2005. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

Also located in this packet of materials is a Special Assessment Hearing Response Card. If mailed back to the City of Muskegon City Clerk's Office before the scheduled public hearing your vote will be added to the tabulation of votes during the public hearing. If you do not send in this form your vote counts as "in favor" of the project.

Thank you for your participation in improving the quality of life in the Muskegon community.

March 11, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 1

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Franklin St. from Laketon Ave. to Ireland Ave.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 22, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$115,000.00 of which approximately 17.08% (\$19,645.76) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 65 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,885.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 1 & 2 BLK 508
ALSO N 1/2 VAC ADJ ALLEY

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

OPPOSE NAME

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

IN AN EFFORT TOWARDS NEIGHBORHOOD IMPROVEMENT, the Muskegon City Commission is proposing that special assessment districts be created for the following projects:

IRELAND AVE., DAVIS ST. TO FRANKLIN ST.
AND
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

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

All parcels abutting Ireland Ave. from Davis St. to Franklin St.

And
All parcels abutting Franklin St. from Laketon Ave. to Ireland Ave.

The City Commission proposes that the City and property owners by means of special assessments will share the cost of improvement. You may examine preliminary plans and cost estimates in the City Hall's Engineering Department during regular business hours - between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 22, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **March 12, 2005**

Gail Kundering, City Clerk

ADA POLICY

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE. H-1602
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

Total: \$ _____

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE. H-1602
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1028 W LARCH AVE

Parcel Number 24-205-516-0005-00

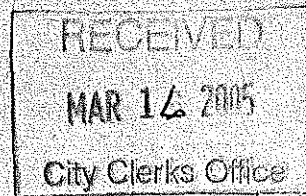
Assessable Frontage: 61 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,769.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 516
LOT 5



Your vote COUNTS!

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

I AM IN FAVOR ☐

I AM OPPOSED ☒

Owner

John Huck CoOwner/Spouse

Signature

[Signature]

Address

1028 W. Larch

Signature

NO NC

Address

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

HUCKA JOHN W

10

*I PAID FOR STREET "ONCE"
IS ENOUGH! OK YOUR RECORDS*

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

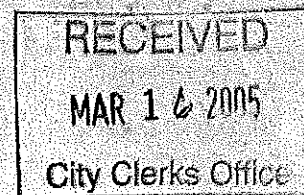
Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1046 W DALE AVE
Parcel Number 24-205-508-0018-00
Assessable Frontage: 64.75 Feet
Estimated Front Foot Cost: \$29.00 per Foot
ESTIMATED TOTAL COST \$1,877.75



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 18 BLK 508
ALSO S 1/2 OF VAC ADJ ALLEY

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Mrs. Charles E. Silby CoOwner/Spouse _____

Signature Mrs. Charles E. Silby Signature _____

Address 1046 W. Dale Ave. Address _____

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

SILBY CHARLES E

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

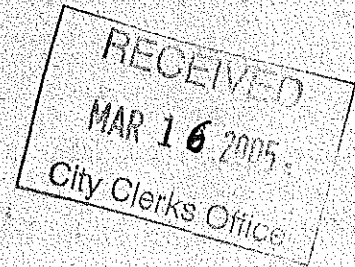
Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address:	1694 FRANKLIN ST
Parcel Number	24-205-507-0005-00
Assessable Frontage:	61 Feet
Estimated Front Foot Cost:	\$29.00 per Foot
ESTIMATED TOTAL COST	\$1,769.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 5 & W 2.5 FT LOT 6 BLK 507

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

ROBERT C. HOOS

CoOwner/Spouse

PATSY A. HOOS

Signature

Robert C. Hoos

Signature

Address

1694 Franklin St

Address

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

HOOS ROBERT C

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

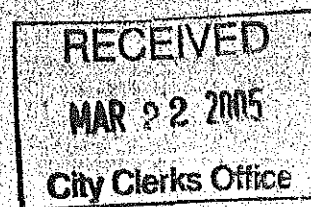
Property Address: 1045 W LARCH AVE

Parcel Number 24-205-518-0001-00

Assessable Frontage: 61 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,769.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 818
LOT 1

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner DONNA M. O'CONNOR TRUST CoOwner/Spouse

Signature Donna M. O'Connor Trust Signature Robert C. O'Connor

Address 1045 W LARCH Address _____

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

O'CONNOR DONNA M TRUST

5

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

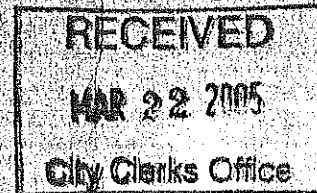
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: 1045 W DALE AVE
Parcel Number: 24-205-515-0001-00
Assessable Frontage: 61 Feet
Estimated Front Foot Cost: \$29.00 per Foot
ESTIMATED TOTAL COST \$1,769.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 515
LOT 1



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Donna M O'Connor Trust

Owner/Spouse

Robert E O'Connor Trust

Signature

[Signature]

Signature

[Signature]

Address

1045 W Dale

Address

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

O'CONNOR DONNA M TRUST

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 22, 2005

Project Title: FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Project Description: MAJOR REHABILITATION

INSTRUCTIONS

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

Assessment Information

Property Address: 1735 FRANKLIN ST

Parcel Number 24-205-515-0018-00

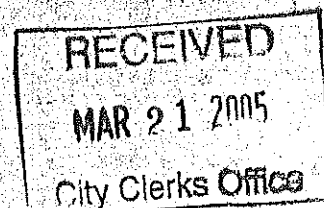
Assessable Frontage: 61 Feet

Estimated Front Foot Cost: \$29.00 per Foot

ESTIMATED TOTAL COST \$1,769.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 515
LOT 18



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Donna M O'Connor Trust

CoOwner/Spouse

Red O'Connor

Signature

Donna M O'Connor Trust

Signature

Red O'Connor

Address

1735 Franklin

Address

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

O CONNOR DONNA M TRUST

SPECIAL ASSESSMENT

H 1602

MAJOR REHABILITATION

HEARING DATE

MARCH 22, 2005

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

2	SILKY CHARLES E	ASSESSABLE FEET:	64.75
24-205-508-0018-00	1046 W DALE AVE	COST PER FOOT:	\$29.00
@ 1046. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,877.75
3	O CONNOR DONNA M TRUST	ASSESSABLE FEET:	61
24-205-515-0001-00	1045 W DALE AVE	COST PER FOOT:	\$29.00
@ 1045. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00
4	O CONNOR DONNA M TRUST	ASSESSABLE FEET:	61
24-205-515-0018-00	1721 FRANKLIN ST	COST PER FOOT:	\$29.00
@ 1735. FRANKLIN S	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00
5	O CONNOR DONNA M TRUST	ASSESSABLE FEET:	61
24-205-518-0001-00	1721 FRANKLIN ST	COST PER FOOT:	\$29.00
@ 1045. W LARCH AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00
6	HARVEY FURMAN II	ASSESSABLE FEET:	63.69
24-205-518-0018-00	1795 FRANKLIN ST	COST PER FOOT:	\$29.00
@ 1046. W LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,847.01
7	BOSS WILLIAM	ASSESSABLE FEET:	61
24-205-507-0004-00	1027 IRELAND AVE	COST PER FOOT:	\$29.00
@ 1027. IRELAND AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00
8	HOOS ROBERT C	ASSESSABLE FEET:	61
24-205-507-0005-00	1694 FRANKLIN ST	COST PER FOOT:	\$29.00
@ 1694. FRANKLIN S	MUSKEGON MI 49441-225	ESTIMATED P.O. COST:	\$1,769.00

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

9	O CONNOR DONNA M TRUST	ASSESSABLE FEET:	61
24-205-516-0004-00	1721 FRANKLIN ST	COST PER FOOT:	\$29.00
@ 1027. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00

10	HULKA JOHN W	ASSESSABLE FEET:	61
24-205-516-0005-00	1028 W LARCH AVE	COST PER FOOT:	\$29.00
@ 1028. W LARCH AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00

11	DOUTHWAITE DAVID/JANET	ASSESSABLE FEET:	61
24-205-517-0004-00	1027 W LARCH AVE	COST PER FOOT:	\$29.00
@ 1027. W LARCH AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,769.00

12	NATIONAL CITY BANK OF THE M	ASSESSABLE FEET:	61
24-205-517-0005-00	1 NATIONAL CITY PKWY	COST PER FOOT:	\$29.00
@ 1026. W LAKETON A	KALAMAZOO MI 49009	ESTIMATED P.O. COST:	\$1,769.00

SUM OF ASSESSABLE FOOTAGE:	677.44	SUM OF ESTIMATED P.O. COST:	\$19,645.76
TOTAL NUMBER OF ASSESSABLE PARCELS	11.00		

H-1602 FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 12									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	745.38 ***							2	1046	W DALE	24-205-508-0018-00	64.75
FRONT FEET OPPOSED	430.75	57.79%						8	1694	FRANKLIN	24-205-507-0005-00	61.00
								10	1028	W LARCH	24-205-516-0005-00	61.00
RESPONDING FRONT FEET IN FAVOR	0.00	0.00%						3	1045	W DALE	24-205-515-0001-00	61.00
								5	1045	W LARCH	24-205-518-0001-00	61.00
NOT RESPONDING - FRONT FEET IN FAVOR	314.63	42.21%						4	1735	FRANKLIN	24-205-515-0018-00	61.00
								9*	1027	W DALE	24-205-516-0004-00	61.00
TOTAL FRONT FEET IN FAVOR	314.63	42.21%										

* expressed their vote @ hearing of 3/22/05

TOTALS	0.00	430.75
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April 1st, 2005

Re: Repaving of Franklin St between Laketon Ave. and Ireland.

To Muskegon city council:

As you are aware, the Engineering Department's proposal to create a Special Assessment for the repaving of Franklin St. between Laketon and Ireland leaves one to wonder why Franklin Street has been repaired from Ireland to Southern Ave. with out a Special Assessment.

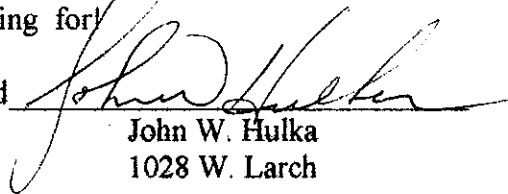
Franklin St as a whole between Laketon Ave. and Southern Ave, has been deteriorating Since it original paving in 1977.

First it was the a sewer problem at Forrest Ave, then the corner area [south-bound lane] of Franklin St at the corner of Laketon Ave started to it's continuing crumbling. This crumbling issue was never addressed or repaired properly, but on the city went to repair a **great deal** of Franklin from Ireland to Southern over the next **25 years** or so, **without any cost to property owners in that area**. This also is apparent to repairs made **North** of Southern Ave.

Your core sample taken on Franklin shows that either those that performed the work when construction was done in 1977, or those who were responsible for the over sighting of this project created a majority of the problems, NOT the property owners or traffic that has passed over Franklin Street. **WOOD** removed from under the pavement at a repair location adjacent to 1027 Larch last fall is another indication of the above.

A Special Assessment against the property owners between Laketon an Ireland is unfair treatment. Why not repair only what is need, as was done North of Ireland ? Fair treatment is what I'm looking and asking for!

Signed

A handwritten signature in dark ink, appearing to read "John W. Hulka", written over a horizontal line.

John W. Hulka
1028 W. Larch

April 8, 2005

To: Muskegon City Council

Subject: Repaving of Franklin St. between Laketon Ave. and Ireland requesting approval of a special assessment to the home owners that front this road.

From Southern Ave to Ireland the city cut out the crumbled sections of Franklin in the summer of 2004 and did NOT assess any charges to home owners. The city also made the necessary cuts around the crumbled areas from Laketon to larch to replace that section of crumbled pavement in 2004 but did not complete the repairs prior to winter.

They now have sent the home owners from Laketon Ave to Ireland an assessment against their property for replacement of the road and want the home owners between Laketon and Ireland to pay a special assessment. We just want to be treated as fairly as the home owners from Southern Ave to Ireland.

Please sign below if the city of Muskegon repaired sections of Franklin Street at no charge to you.

Name: KELLY GUSTAFSON

Address 1145 FRANKLIN

Name: John Brown

Address 1594 Franklin

Name Matt King

Address 1635 Franklin

Name Ronda Olegarcya

Address 1636 Franklin St

Name Jule Castello

Address 1643 Franklin St

Name _____

Address _____

Robert E. O'Connor,
1721 Franklin, 1045 W. Larch, 1735 Franklin

Robert E. O'Connor

CITY OF MUSKEGON

Resolution No. 2005-35(b)

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

RECITALS:

1. A hearing has been held on **March 22, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 22, 2005**, there were 57.79% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **17.08%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on April 12, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

FRANKLIN, LAKETON TO IRELAND

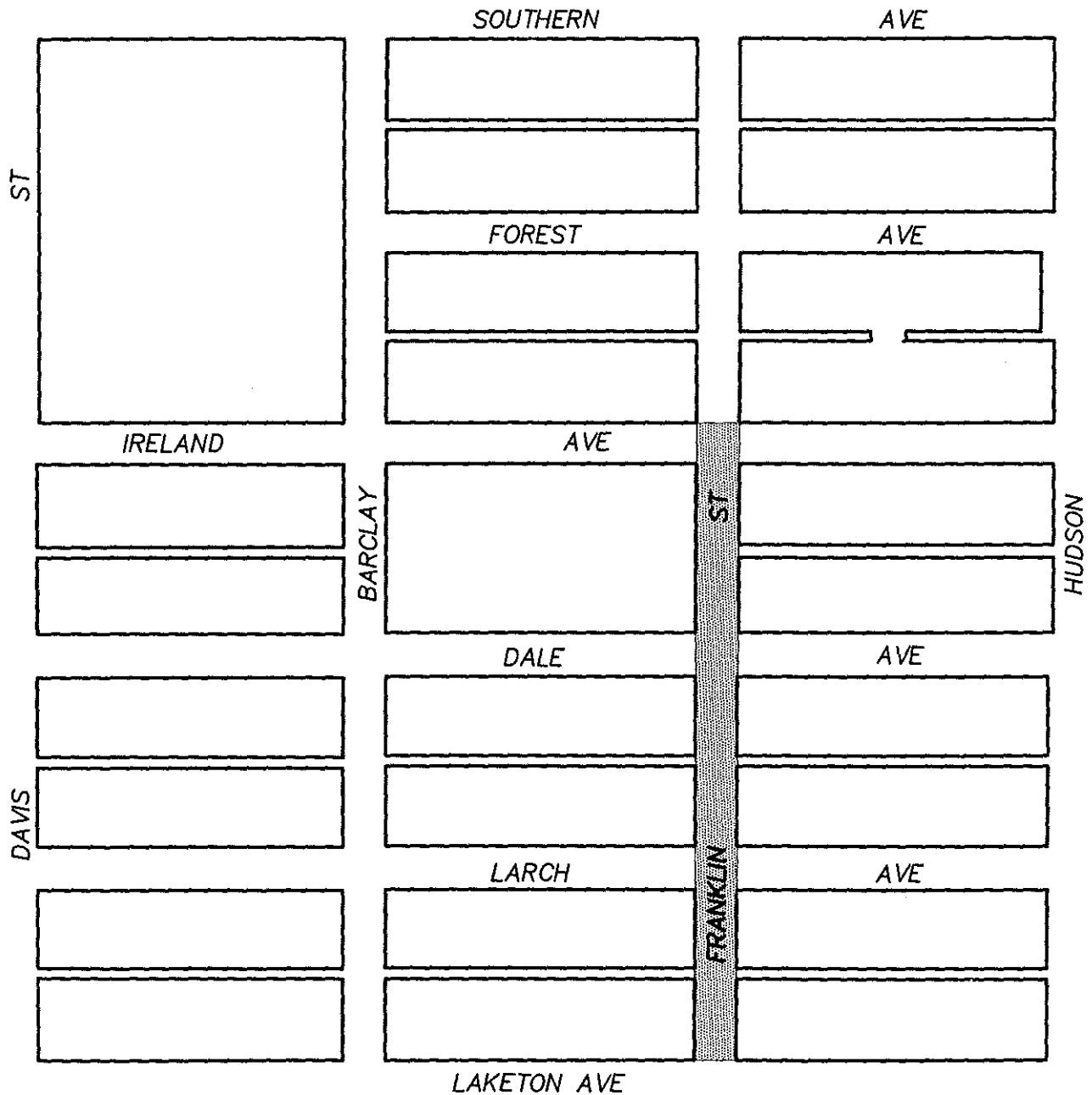
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Franklin, Laketon to Ireland

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Franklin St., Laketon Ave. to Ireland Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF MARCH, 2005.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF April, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

☐

MY COMMISSION EXPIRES 9-25-06

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: City Manager Bryon L. Mazade

DATE: April 1, 2005

RE: MDNR Agreement Amendment for Lakeshore Trail

SUMMARY OF REQUEST:

To adopt a resolution to approve a Project Agreement amendment between the City and MDNR for the Lakeshore Trail project. This is necessary to complete the Chase Hammond Golf Course conversion.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the resolution.

COMMITTEE RECOMMENDATION:

None.

RESOLUTION No. 2005-36(a)

CITY OF MUSKEGON

RESOLUTION APPROVING THE DEVELOPMENT PROJECT AGREEMENT AMENDMENT FOR THE MUSKEGON LAKESHORE TRAIL (PROJECT NUMBER 26-00104) BETWEEN THE STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF MUSKEGON.

WHEREAS, the City of Muskegon (City) and the Michigan Department of Natural Resources (MDNR) have previously entered into an agreement for the property acquisition and development of the Lakeshore Trail Project, and

WHEREAS, the agreement between the City and the MDNR specifies that certain land will be used for the Lakeshore Trail Project, and

WHEREAS, the City has requested to modify that agreement to delete certain properties from the Lakeshore Trail Project, and

WHEREAS, the MDNR has approved the City's request to modify the agreement and has prepared an agreement amendment to accomplish that request.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission approves the amendment to the project agreement and authorizes the Mayor to execute the amendment.

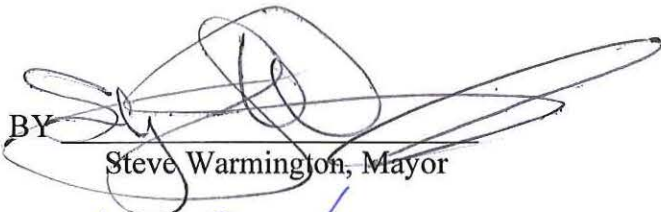
Adopted this 12th day of April, 2005

AYES: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

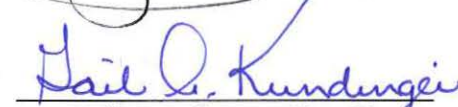
NAYS: None

ABSENT: None

BY


Steve Warmington, Mayor

ATTEST


Gail Kunding, City Clerk

CERTIFICATION
2005-36(a)

This resolution was adopted at a regular meeting of the City Commission, held on April 12, 2005. 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. Kunderinger, MMC
City Clerk



State of Michigan Department of Natural Resources, Grants, Contracts, and Customer Systems

**LAND AND WATER CONSERVATION FUND
DEVELOPMENT PROJECT AGREEMENT
AMENDMENT**

Project Title: Muskegon Lakeshore Trail

Project Number: 26-00104

Amendment Number: 2

This is an amendment to the Agreement entered into between the Michigan Department of Natural Resources ("DEPARTMENT") and the **CITY OF MUSKEGON** ("GRANTEE") for the Land and Water Conservation Fund grant number 26-00104. The purpose of the amendment is to delete 6.34 acres from the project scope, as further explained in correspondence from the GRANTEE to the DEPARTMENT dated April 5, 2004.

A. The DEPARTMENT and the GRANTEE mutually agree to amend the Agreement as follows:

Section 4, Appendix A and Appendix B are amended to read as follows:

The grant herein provided is for the acquisition by the GRANTEE of 38.05 acres free of all liens and encumbrances to lands situated and being in the CITY OF MUSKEGON, COUNTY OF MUSKEGON, STATE OF MICHIGAN as described in the attached legal description (APPENDIX A of this amendment) and shown on the attached boundary map (APPENDIX B of this amendment). As used in this Agreement, the words "project area" shall mean the lands acquired under this Agreement as described in this Section

B. All other provisions of this Agreement shall be continued in full force and effect.

C. The amendment may be executed separately by the parties and is not effective until both the GRANTEE AND THE DEPARTMENT have signed it.

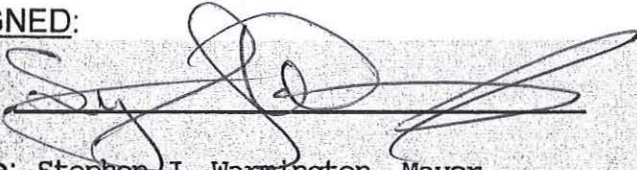
D. This amendment modifies an Agreement that was approved by resolution of the GRANTEE'S governing body as evidenced by the resolution attached to the Agreement. It is the sole responsibility of the GRANTEE to determine if its laws, policies or procedures require approval by its governing body before execution of this amendment by the GRANTEE. By signature of this amendment the GRANTEE certifies that:

1. Approval of the amendment by its governing body is not required, or
2. The amendment has been approved by resolution (true copy attached) of the

April 12, 2005, Regular meeting of the City Commission.
(date) (special or regular) (name of approving body)

GRANTEE

SIGNED:

By: 

Title: Stephen J. Warrington, Mayor

Date: 4-22-05

WITNESSED BY:

1. Gail Le Kunderger

2. Linda Potter

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

By: _____

James B. Wood

Title: Chief, Grants, Contracts, and
Customer Systems

WITNESSED BY:

Effective Date: _____

APPENDIX A

LEGAL DESCRIPTION OF THE PROJECT AREA

APPENDIX B

BOUNDARY MAP OF THE PROJECT AREA

Commission Meeting Date: April 12, 2005

Date: April 5, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department W.G.**

RE: Approval of the 2005-2006 Action Plan

SUMMARY OF REQUEST: To approve the 2005-2006 Action Plan for the City of Muskegon Community Development Block Grant/HOME activity. If the Action Plan is approved, the CNS will continue the comment period of the Action Plan as amended if needed until April 17, 2005.

On April 18, 2005, the CNS office will submit the Action Plan to the U. S. Housing and Urban Development as required in order to request the Release of Funds for the 2006-2007 fiscal year.

FINANCIAL IMPACT: Action Plan establishes the 2005-2006 budget.

BUDGET ACTION REQUIRED: None at this time budget established by Action Plan.

STAFF RECOMMENDATION: To approve the Action Plan.

COMMITTEE RECOMMENDATION: None.

Action Plan
COMMUNITY DEVELOPMENT BLOCK GRANT

June 1, 2005 thru May 31, 2006

MISSION STATEMENT & NARRATIVE SUMMARIES

To provide its residents with the ability to live in safe, decent, sanitary and attractive housing and to assure the preservation and enhancement of the City's neighborhoods, public facilities and infrastructure as well as to assist local nonprofits and social agencies in delivering their services to low/moderate income residents are examples of annual activities undertaken by the City of Muskegon to promote the overall well-being of this community. This section of the Consolidated Housing & Community Development Plan will describe eligible programs, projects and activities to be undertaken with funds expected to be made available during the above program year and their relationship to housing and non-housing community development needs outlined in previous sections.

PURPOSE & INTENT

In accordance with the National Affordable Housing Act of 1990, the City of Muskegon must submit an Annual Action Plan to the U. S. Department of Housing & Urban Development pursuant to its approved Consolidated Plan 2005-2010, which identifies proposed actions toward meeting housing and non-housing priorities. Affected programs include, but are not limited to the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), the Emergency Shelter Grant (ESG), Homeless Assistance, Youth Build, and the Housing Opportunities for Persons Living with AIDS (HOPWA) Programs.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
ANNUAL STATEMENT OF PRIORITIES & PROPOSED PROJECTS

The City's Community Development Block Grant (CDBG) program is annually funded to address the City's short and long-term goals, needs and priorities. These goals, needs and priorities are translated into the City's *Annual Action Plan and Statement of Priorities and Proposed Projects* for each program year period. If a determination is made not to implement an activity, to carry out an activity not previously described, or to substantially change the purpose, scope, location, or beneficiaries of an activity, an *Amendment* to the active program year Action Plan will be enacted. The City's Statement of Priorities and Proposed Projects for this period follows the Summary of Resources below:

Projected Resources & Activity Summary:

\$1,137,000 FY 2005 HUD/CDBG Entitlement

\$1,137,000 Total CDBG funding

Other Expected Federal Funding

Law Enforcement Block Grant	49,782
DOJ Bullet Proof Vest Program	2,161
Multi-Jurisdictional Drug & Gang	35,260
FEMA Firefighters Assistance	129,875
After School Learning Centers	<u>1,000,000</u>
Total	1,217,078

Summary of Priorities and Proposed Projects

The City of Muskegon proposes to undertake activities during the 2005 – 2006 program year described as follows: The Funding is based on entitlement amount of \$1,137,000.

Housing Priorities & Proposed Projects

Proposed projects will aid in the elimination of blight throughout the City, which is detrimental to life, health, and safety.

\$171,000 **Housing Rehab - Emergency Repair Program.** Continued assistance to very low-income homeowners for the repair of single-purpose housing deficiencies that pose a serious threat to life, health, or safety.

Locations: City/Community Wide

Targeted Outcome: 40 Housing Units

\$171,000 **Housing Rehab - Siding Program.** Continued assistance to provide vinyl siding to low-income owner-occupants of single-family housing units.

Locations: City/Community Wide

Targeted Outcome: 30 Housing Units

\$69,500 **Housing Rehab - Service Delivery Costs.** Funding for the administration of housing rehab programs and incidental costs associated with the housing rehab activities such as credit reports and recording fees.

Location: City/Community Wide

Targeted Outcome: 100 Household

\$50,000 **Residential Clearance.** Continued funding for the board-up and demolition of vacant, substandard structures that are not suitable for rehabilitation.

Locations: Census Tract 1-Marquette 2 – Jackson Hill; 3 – Angell; 5 – McLaughlin; and 6.02 Nelson Neighborhood

Targeted Outcome: 10 Housing Units

\$40,000 **Code Enforcement.** Funding for the enforcement of City ordinances with respect to property maintenance and neighborhood blighting influences. Funding will be used to pay one Code enforcement officer.

Locations: Census Tract 3 – Angell Neighborhood, Census Tract 5 – McLaughlin, Census Tract 2 – Jackson Hill, Census Tract 1 – Marquette, Census Tract 6.02 Nelson Neighborhood

Targeted Outcome: 1000 Households

Non-Housing Priorities & Proposed Projects

Proposed projects will encourage commercial and retail development by taking maximum advantage of a variety of resources, to promote business expansion and investment in order to create a balanced recreational, commercial, residential, educational and industrial economic climate as follows:

\$245,000 **Shoreline Drive Bond Repayment.** Funding for payment of bond authority funds toward completion of the Shoreline Drive project, to be used for real property acquisition of affected properties.

Location: Census Tract 7 – Central Business

Targeted Outcome: Area Redevelopment

Public Improvements Proposed Projects

Proposed projects will provide the impetus to insure the continued maintenance and upgrading of the City's infrastructure, transportation and neighborhood resources as follows:

\$25,000 **Public Rehabilitation/Clean-ups.** Funding to be used for maintenance of City-owned residential lots and other future public rehabilitation projects.

Location: Census Tracts 1, 2, 3, 5, 6.01

Targeted Outcome: 200 Lots

\$55,000 **Street Assessment Program.** Continued funding of street replacement costs for special assessment levied to low income homeowners who resided in areas where street replacement is proposed.

Public Services & Proposed Projects

Proposed projects will support community-based organizations by promoting neighborhood self-sufficiency and meet the under-served needs of special needs populations such as youth, the elderly, persons with disabilities and the homeless and low-income residents.

\$75,000 **Recreation Programs.** Continued funding of core-city youth recreation programs. Activities include summer/winter swimming, gym activities, basketball, family recreation, indoor soccer, and summer playground programs.

Location: Census Tract 2 – Jackson Hill; 3 – Angell; 4 – East Muskegon; 5 – McLaughlin; 6.01 – 6.02 Nelson

Targeted Outcome: 500 Youth

\$40,000 **Sr. Citizen Transit.** Continued funding to provide low-cost transportation services for elderly residents to medical facilities, shopping centers, educational/recreational activities and other related destinations.

Location: City/Community Wide

Targeted Outcome: 1300 Elderly

\$15,000 **Special Projects/Community-Based Organizations.** Continuation of grant program for local non-profit organizations to provide various services to low-income community residents.

Location: City/Community Wide

Targeted Outcome: 3 Community-Based Organizations

Approximately: 6,500 individuals

Management

\$180,000 **Management & Coordination.** General management, oversight and coordination of CDBG activities. Funding includes cost of staff salaries and fringe benefits, office supplies, equipment and contingency; Contract Compliance/EO and Indirect Costs.

CDBG PROJECTS/ACTIVITIES - 2005

2005 - 2006 ACTIVITIES - By RANKING

REHABILITATION – HOUSING	411,500	36%
Emergency Repair		
Vinyl Siding		
Administration		
BOND REPAYMENT	245,000	22%
Shoreline Drive		
PUB. FACILITIES – ASSESSMENTS	80,000	7.8%
Sidewalks/Street		
Lot maintenance		
GENERAL ADMINISTRATION	180,000	16%
General Admin.		
Affirm. Action		
PUBLIC SERVICES	130,000	11%
Recreation Programs		
Sr. Transit		
CBO Grants Program		
CODE ENFORCEMENT – HOUSING	90,000	8%
Code Inspections		
Residential Clearance		

**2005 HOME INVESTMENT PARTNERSHIPS PROGRAM
ANNUAL STATEMENT OF PRIORITIES & PROPOSED PROJECTS**

The HOME Investment Partnerships Program was created by the National Affordable Housing Act of 1990, and the City of Muskegon is a designated "Participating Jurisdiction," which allows direct allocations of funds from the Dept. of HUD. Portions of these funds may be awarded to non-profit organizations to assist with the provision of affordable housing and support services; other eligible activities include acquisition, construction, rehabilitation, investor/rental rehabilitation, downpayment assistance and assistance to first-time homebuyers. The City's Statement of Priorities and Proposed Projects for this period follows the Summary of Resources and Proposed Amendments below:

Project Resources: **\$337,000**

Program Income **\$ 60,000 (estimated)**

Housing Priorities and Proposed Projects

Proposed projects will aid in the prevention of further loss of viable housing units, increase affordable homeownership opportunities, encourage new development of affordable housing, and provide continued support for shelter and service programs for the homeless and persons at-risk of homelessness as follows:

- \$105,000** **Community Housing Development Organizations.** Continued assistance to support non-profit organizations providing housing and housing related activities, and activities for the needs of the homeless and those at risk of homelessness, and technical assistance to emerging non-profit housing organizations. 35 Households/Citywide
- \$33,700** **Program Administration.** General management, oversight and coordination of HOME program activities. Funding includes staff salaries, fringe benefits, office supplies and equipment.
- \$65,000** **Tax-Reverted Infill Program.** Assistance to construct single-family dwelling on tax-reverted properties not neighborhood specified. 1 family/targeted neighborhood.
- \$100,000** **Tax-Reverted Rehabilitation Program.** Assistance to rehabilitate tax-reverted single-family structures and sell to low/moderate-income residents after rehab. 1 family/targeted neighborhood.

\$337,000 - HOME PROJECTS/ACTIVITIES - 2005

2005 HOME INVESTMENT PARTNERSHIPS PROGRAM CITY OF MUSKEGON COMMUNITY & NEIGHBORHOOD SERVICES PROGRAM DESCRIPTION

2005 ALLOCATION OF FUNDS	\$337,000
Program Income (estimated)	60,000

HOME Community Housing Development Organizations (CHDO's)	\$105,000
--	------------------

As a participating jurisdiction, the City of Muskegon is required to provide opportunities for Community Housing Development Organizations to utilize HOME funds to produce affordable housing within the City of Muskegon. Funding will include the provision of technical assistance to assist in building the capacity of CHDO's to produce affordable housing and for administrative support of the organizations within the regulatory guidelines. Eligible activities include the acquisition of vacant land or existing structures, the construction or rehabilitation of these properties for occupancy by low to moderate-income individuals.

Tax-Reverted Infill:	\$65,000
-----------------------------	-----------------

The City of Muskegon will use the allocated HOME funding to construct a single-family home on a designated tax-reverted lot not neighborhood specifically to be located in one of the city's low/moderate-income eligible neighborhoods. The home is to be sold to a low/moderate family whose income is at or near 80% of the city's median income. The potential owners will be recruited with the assistance of one of the city's CHDO's. Downpayment assistance may be available through the CHDO. The length of the affordability period will be determined by the amount of HOME funds used as a subsidy in the project.

Program Requirements

Properties must be purchased/ occupied by low to very-low income tenants, those with incomes at or below 80% of area median income..

Recapture provisions

The City elects to adopt the recapture of the homebuyer subsidy. The homebuyer subsidy will be forgiven by the City at a rate of 1/180 per month throughout the term of the affordability period. Upon sale of the property by the homeowner within the affordability period, the homeowner will be required to repay a prorated portion of the HOME funds used to subsidize the purchase of the home.

The property owner's return on investment at the point of sale will include:

- The amount of the homebuyer's downpayment made from their own resources
- The amount of mortgage principle repaid at the time of resale
- The appreciated value of the property (Appraised value at resale less the appraised value of the property at the time of purchase by the homeowner).

The homeowner will receive the full amount of the fair return only if sufficient sale proceeds remain after all outstanding debt (including repayable HOME subsidy amounts) and closing costs are paid. Any proceeds remaining after payment of the outstanding debt, closing costs, fair return, and any HOME subsidy repayment will be shared 50/50 between the homeowner and the City. Any funds repaid to the City will be returned to the HOME trust fund. Repayment of the HOME subsidy amount will not be required if the resale does not provide sufficient net proceeds to satisfy other outstanding debt, pay closing costs, and offer a fair return on investment to the property owner. Partial repayment may be required based on the amount of sales proceeds received by the homeowner.

Tax-reverted Rehabilitation:

\$100,000

The City of Muskegon will use this funding to rehabilitate a single family structures obtained through the tax-reversion process, the dangerous building list or through the U. S. Housing and Urban Developments "Good Neighborhood Program".

The funding will be used to rehabilitate the dwelling to code. After the rehabilitation is completed the structures will be sold to an income eligible low/moderate-income family through a partnership with one of the communities CHDO's.

The future occupants will have incomes preferably below 65% of area median income. Any profits obtained from this program will be reallocated to the local HOME funds. The recapture provisions are the same as under the Infill program

HOME Administration:

\$33,700

The City of Muskegon will use the funding to administer all HOME programming.

Rental Rehabilitation Program

\$20,000

This program will provide funding for the rehabilitation of existing rental units located in the City of Muskegon occupied by families whose annual incomes do not exceed 60 percent of the median family income for the area, adjusted for family size. The City will provide a maximum of \$30,000 by matching the owner's contribution to the rehabilitation. The property owner must contribute the remaining development costs. Properties rehabilitated under this program must meet applicable local building codes at the completion of the project.

Property owners will be eligible for assistance under the City's Rental Rehabilitation programs only if there are no outstanding legal actions pending against them for chronic outstanding violations. Landlords who have already received assistance under the HUD Rental Rehab program, the MSHDA HOME Rental Rehab program, or the City's HOME Rental Rehab program will not be eligible for additional assistance to the same properties. Qualifying property owners must be current on all taxes and debts owed to the City of Muskegon prior to submitting their application for assistance, and throughout the HOME affordability period.

Tenant Occupancy

For property receiving HOME Rental Rehabilitation assistance, the units must be occupied by families with incomes at or below 80% of area median income, adjusted for family size. Income determinations will be made at the time of application. Tenant occupancy and income will be re-certified annually for the length of the applicable affordability period.

Monitoring

In compliance with CFR 24 91.230 the City of Muskegon requires all funded subrecipients and Community Housing Development Organizations (CHDO's) to sign an agreement contract listing their intended scope of services, a delineated budget and to include all required supporting documentation. (i.e. 501 C3 verification, list of staff demographics etc) As well as including in the agreement all pertinent City of Muskegon and U. S. Department of Housing and Urban Development requirements.

In addition, all Subrecipients and CHDOS are required to submit quarterly progress reports detailing the organization/agency accomplishments during the past quarter, and or the number of minorities and or low and moderate income residents served.

The City of Muskegon Community and Neighborhood Services also physically monitors all Subrecipients and CHDO's at their sites once a year which includes reviewing policies, procedures as well as activities and accomplishments.

RELEVANT NARRATIVE STATEMENTS

Issue: Continuum of Care Strategy for the Homeless

Muskegon County's Continuum of Care¹ can be viewed as four interconnected phases.

Phase One is an outreach and entry phase. The homeless, near homeless, and the working poor at risk of homelessness are identified by organizations that provide life-sustaining assistance...shelter, food and financial support. These entities include the Salvation Army, City Rescue Mission, Red Cross, Community Action Against Poverty, Every Woman's Place, Catholic Human Development Outreach and the COGIC Center of Trinity Village. Their obligation to this strategic plan is to identify and perform an initial assessment. This process allows referral to safe shelter for the homeless and to case management services for the near homeless to prevent the loss of home.

Phase Two is a barrier identification and case management phase. During this phase, client issues are explored more intensely, and individual, client-driven case management plans are designed. Additional services from the community are then "wrapped around" the client that addresses the barriers to safe housing and economic stability. These may include employment assessment and training, substance abuse treatment, support services education, health and dental care provisions, legal support, individual and family counseling and movement into a transitional living situation. The near homeless continue to be monitored and supported to prevent their loss of home. Organizations involved at this time include Family Centers, Legal Aid, Treatment Centers, County Employment and Training sites, Health Care providers, and mental health specialists. It should be noted that even with expensive services in this Phase, a lack of transitional housing can result in a "revolving door" situation, with clients returning into Phase One.

Phase Three continues the case management plan, with additional emphasis on self-supporting skills such as gaining and retaining a life sustaining wage, budgeting, parenting, permanent housing education and nutrition. Clients in this phase are moved toward permanent housing, if previously homeless, or toward greater stability if identified originally as near homeless. Housing education stresses home ownership as a preferred strategy over renting. In this phase, Housing Commissions, financial institutions, neighborhood associates and the faith-based community are included.

Clients in **Phase Four** are supported in their efforts to gain and maintain a permanent residence, both physically and financially. Section 8 housing vouchers, city renovation project grants, and low or no-cost reclamation loans are sought for this purpose. Support services are offered as required to continue the development and stability of the family toward self-sufficiency and economic sustainability. Case management services taper off as clients become more self-reliant.

Priorities in Muskegon County include support for emergency shelters, additional transition housing units, and a computerized case management system for data collection and analysis.

Issue: Fair Housing Needs Impediments

The City of Muskegon continuously works to assure that any impediments to fair housing opportunities are removed. It is the City of Muskegon administration position that the 2000 Census will illustrate that the City of Muskegon has seen a shift in housing patterns in the last 10 to 15 years where minorities are residing in areas of the city formerly only occupied by white residents. Some of the credit for this shift can be attributed to the work of the nonprofit community promotion of homeownership and also the local realtor community, which has been promoting homeownership throughout the City. The City of Muskegon has also increased the availability of quality housing within the city in a number of ways. The City's Infill programs have given the opportunity to low and moderate-income residents to purchase home they would not be able to afford with out the subsidy.

In the last decade the City of Muskegon has also experienced a significant increase in the availability of quality rental housing. Several complexes have been built by the private market offering quality-housing opportunities for low and moderate-income residents which includes rental assistance. Even with the increase in available rental housing there still appears to be a need for addition rental assistance. During the period of March 18, 2002 thru March 22 2002, the Muskegon Housing Commission advertised open enrollment for its Section 8 vouchers/certificates a total of approximately 1257 applications were received by the Housing Commission from the public hoping to obtain rental assistance. January 9, 2003, Muskegon Heights had an open enrollment for their Section 8 program. A total of 1,000 applications were accepted at that time.

The City of Muskegon Inspection department has aggressively implemented a policy that targets substandard housing in the City, requiring that the housing is brought up to code in a quality manner by the owner or the housing is demolished which eliminates the substandard housing from the City's housing stock and also eliminates the possibility of the substandard housing being rented and or sold to someone not in a quality condition.

Anyone wishing to make a complaint concerning housing related issues is directed to the City of Muskegon Affirmative Action office.

Issue: Welfare Reform Impact

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 represents significant changes in perceptions of 'welfare reform'. The challenges represented are critical to all segments of a given community, and the City of Muskegon is no exception. The Dept. of HUD is promoting a three-pronged response to begin addressing this issue, and the City of Muskegon will make every attempt to expand its partnerships with HUD, the State of Michigan, and community organizations to provide viable services to its residents affected by the legislation by promoting the following endeavors:

- * Support for the creation of job opportunity through economic development activities;
- * Support and monitoring of innovative uses of tenant-based rental assistance linking welfare recipients to jobs;
- * Support and continued promotion of the family self-sufficiency concept;
- * Provide supportive technical assistance when needed, to help welfare recipients make the transition from dependency to work through expansion initiatives, funding for supportive services and encourage initiatives that provide access to education and job training.

The City acknowledges several area agencies that provide assistance and supportive services with these common goals, and will continue to expand its role and partnerships, as debate on this issue and its impact continue to be assessed.

Issue: Lead Paint Hazard Reduction

The City will continue to coordinate actions toward reduction of lead hazards in housing units with the Muskegon County Health Department, particularly in homes occupied by children under the age of seven-(7), and with elevated blood lead levels. Although, the number of homes rehabilitated under the City's housing programs remain a small portion of units suspected to have lead hazards, the County Health Department continues to focus on the existence of hazards in the community and employees various strategies through area social service agencies for abatement, education, screening and coordination.

The City's actions toward eradication of this particular hazard to the community involves the following:

- * Continued support and coordination with the Muskegon County Health Department;
- * Priority consideration under housing programs to households with children with elevated blood lead levels;
- * Allocation of CDBG/HOME funding for lead hazard abatement and remediation in rehabilitated homes; and
- * Provision of the most current information, data analysis, and prevention methods to the general public through brochures, pamphlets and other education materials on the risks of lead poisoning.

Under the City's HOME Program, certain activities involve the acquisition and/or sale of single-family properties and investor-rehabilitation assistance for rental properties. Under this program, the following actions apply for purchase, rental, and renovation of pre-1978 housing units:

- * *Investor/Landlords* must disclose known information on lead-based paint hazards before leases take effect;
- * *Sellers* must disclose known information on lead-based paint hazards before selling a housing unit; buyers have a minimum of ten (10) days to check for hazards; and

- * *Rehabilitation* activities will include specific inspection specifications and procedures for use by contractors performing construction services.

The City of Muskegon has worked diligently to train both its staff and its contractors in lead paint remediation. The CNS office has four members of its staff certified in safe work practices. Its rehabilitation inspector is certified in lead supervision and as a lead wiper. The City has also financed the training of a total of approximately 62 area contractors in safe work practices and a total of seven as Lead Based Paint supervisors. The City of Muskegon currently has a qualified staff person who is authorized to teach the safe work practices class and is planning to offer several in house training classes.

Public Housing

The Muskegon Housing Commission an independent agency from the City of Muskegon is not eligible for the Comprehensive Grant because of the number of housing units in its inventory.

During this fiscal year the City of Muskegon Community and Neighborhood Services Office assisted the Muskegon Housing Commission by conducting the Environmental Review assessment for the Commission Capital Fund grant.

According to the Muskegon Housing Commission's Annual Public Housing Plan the Commission has nine goals for this fiscal year.

1. Manage the Commission's public housing program in an efficient and effective manner to achieve minimum status as a standard performer.
2. Continue to provide a safe and secure environment in the Muskegon Housing Commission's public housing development known as Hartford Terrace.
3. Close out Turnkey III program
4. Expand Section 8 Housing Voucher program opportunities for low income families
5. Close out 5(h) Homeownership program
6. Expand Family self-sufficiency, Community and Supportive Services Opportunities.
7. Expand activities for residents at Hartford Terrace
8. Seek to improve Resident Assessment Satisfaction Survey results
9. Continue to modernize Hartford Terrace Apartment Complex

HOUSING AND COMMUNITY DEVELOPMENT NEEDS

Conditions

The overall condition of housing units in Muskegon is good. Much of the City's substandard housing stock has been eliminated over the past 20 years through Urban Renewal and the City's ongoing demolition program. On the other hand the number of the city's housing units continue to need repairs. Reinvestment in the City's housing stock has decreased with the decline in city property values which has lead to further deterioration and a decrease in the number of units which are suitable for rehabilitation.

Housing Needs

The greatest housing problem occurs in non-elderly renter households. In 1980, fifty-five percent of the city's low-income households were homeowners and 45% were renters. By 1990, the ratio had reversed with only 345 of the City's very low-income households being homeowners and 66% were renters, the 21% increase in the very low income rental population resulted in increased demand for rental units that are affordable to the very low-income families, most of whom need some form of income or rental subsidy to meet housing needs. 1.364 or 17% of the city's total owner-occupied households have incomes between 51% and 80% of the area median. This is interesting because

it is 5% lower than the percentage of homeowners who fall below 50% of median income. The higher percentage of very low-income homeowners can be explained by the large numbers of elderly homeowners on fixed incomes that fall into the very low-income category. Most of these elderly families purchased their homes when they were employed and lack sufficient funds to maintain the homes.

Housing Market Conditions

According to the 2000 U.S. Census the City of Muskegon had 15,999 housing units; 8,284 owner occupied, 6,285 renter and 1,430 vacant. A loss of 20 units occurred since 1990, but the loss was higher than the City's population loss. Overall city vacancy rates have remained relatively stable. However, among the subsidized rental properties that are designed to remain affordable to the city's low-income residents, there are few vacancies other than normal turnover.

Affordable Housing Needs

Owner-occupied housing units and rental units are all in great need of maintenance and repair. There is a need for additional rental subsidies for renter household. The Muskegon Housing Commission is the designated Public Housing agency for the City. The Housing Commission has had a major impact in the last few years creating affordable housing units. There is an extremely high demand for Section 8 Rental Assistance. The Section 8 waiting list was recently open from March 18 thru March 22, 2002. During the period the Muskegon Housing Commission received a total 1257 applications for Section 8 rental assistance. Which illustrates the continuous need for additional rental assistance for the low and moderate-income residents of Muskegon

Homeless Needs

The homeless exist in Muskegon County but are nearly invisible. A larger number of households are at-risk of homelessness. These households use area food pantries, soup kitchens, and short term rent assistance.

Precise data did not exist for the homeless and at-risk populations at the beginning of the City's five-year plan; however changing economic trends and household demographics, have begun to formulate a statistical database which identifies an increasing population. These trends are readily referred to in the Muskegon Area Homeless Coalition Continuum of Care Plan, finalized during early, 2003.

This public policy approach and strategy for meeting the needs of the homeless and those populations at risk of becoming homeless demonstrates that homelessness is not caused merely by a lack of shelter, but involves a variety of underlying, unmet needs ---- physical, economic, and social, and refines a stronger focus toward developing strategies to address these needs. The result has enacted a specialized care system to move homeless persons to permanent housing with associated support services to provide outreach, intake and assessment to be coordinated with a centralized tracking system to define services, broad access to emergency shelters, transitional housing and record demographic data of persons served. The expected outcome will guide the allocation of resources addressed by the Consolidated Plan, with a broad-based approach, including focussed discussion among surrounding municipalities, and area wide service providers to establish a balanced system which includes emergency shelter, transitional housing, and associated supportive assistance.

Public and Assisted Housing Needs

Name of Local Housing (LHA): Muskegon Housing Commission. The Commission operates Hartford Terrace Apartments, a 160-unit elderly/disabled housing complex; Section 8 Tenant Assistance vouchers/certificates.

Conditions of LHA units: There has been an effort in the last 2 years to conduct major rehabilitation at the Housing Authority although money has been limited.

Barriers to Affordable Housing

There are no current or outstanding court orders, consent decrees or formal U.S. Department of Housing & Urban Development sanctions which act as barriers to affordable housing within the City of Muskegon. However in order to facilitate the City's efforts, the City has requested waivers through the Enterprise Community project, as described below:

1. Waiver Request - Public Assistance Programs

The use of public assistance grants to offset employers' salary costs for newly hired public assistance recipients in order to help recipients get jobs and to expand jobs.

Pilot projects which mandates job search for ADC applicants.

Extension of Medicaid coverage to ADC clients entering the work force beyond the 12-month period currently provided.

Exemption for one vehicle regardless of value from the current asset limitations.

2. Waiver Requests - Public Housing Facilities

Waiver to keep elderly families only in housing for elderly and not disabled residents of any age.

Lead-Based Paint Strategy

The Muskegon County Health Department is the primary agency involved in the identification of lead poisoning cases in the community and as such the lead agency for hazard identification and treatment of persons with elevated blood levels of lead. Youth in Muskegon are at high risk for lead poisoning for a number of reasons:

97% of the City's housing units were built before 1979

12% of the City's housing units are estimated in substandard condition

26% of the City's households are below the poverty level

41% of the City's housing units are rental with many concentrated in the inner city

Since September 2001 the City of Muskegon has tested all structures by a lead based risk assessor in its rehabilitation programs excluding emergency repair and vinyl siding project.

Anti-Poverty Strategy

The City of Muskegon makes concerted efforts to enhance the quality of life for all of its citizens, including families and individuals living at or below federally established poverty standards. The standards are defined by household income levels, tenure and makeup, extent of overcrowding and substandard conditions, unemployment, human service needs, and homelessness.

In order to assist residents with breaking the cycle of poverty, the City has embarked on several projects, to break the poverty cycle by implementation of several centrally focussed strategies:

- * Encourage the improvement of existing housing conditions by continuing support of City-administered housing programs, i.e. code enforcement, low-cost comprehensive grant/loan repair assistance; continued encouragement and support for initiatives aimed at first-time homebuyers, and mortgage financing which fosters affordable housing opportunities, such as those currently provided by the Neighborhood Investment Corporation.
- * To create viable employment options by supporting area wide economic development activities, including training and re-training of displaced workers, the development of projects which target economic opportunity for designated poverty-level segments, and to assist new and retain/expand existing businesses.
- * By supplying funding when available to a number of public services that work diligently to assist low income resident break the cycle of poverty. These public services include areas of assistance that focus on health especially in the minority community, legal services, childcare, transportation and education, parent support.

Coordination

As part of the community-based partnership organizations and agencies participating in the development of the Consolidated Plan, over 100 local service providers were consulted. Overwhelming support was provided, with many agencies offering additional programs and resources, such as: The Muskegon Housing Commission, Muskegon Department of Social

Services (State of Michigan), Muskegon County Department of Community Mental Health, Muskegon County Health Department, Michigan State Housing Development Authority and Michigan Region 14 Area Agency on Aging.

The 2005 –2006 CDBG/HOME activities are significantly consistent with the priorities as developed in the 2005 – 2010 Consolidated Plan.

The City is meeting all its stated housing priorities through its partnership with the CHDO's and its in-house infill and emergency repair programs.

PRIORITY 1. To allocate at least the required amount of HOME funding to area CHDO's to assist low-income with downpayment assistance and increase their ability to obtain mortgages.

PRIORITY 2. By working through the City's Infill project to increase the number of new homes constructed within the targeted areas.

PRIORITY 3. Rehabilitate owner-occupied and rental structures through the community.

The non-housing priorities are consistent with those established in the Consolidated Plan because the 2004 – 2005 activities in this category promote small business development and overall community economic development.

PRIORITY 1. To work collaboratively to increase new employers and the availability of skilled workforce.

PRIORITY 2. Increase developable land in the areas of commercial, industrial and residential.

PRIORITY 3. Increase number of small businesses.

The City of Muskegon public service is highly correlated with the established Consolidated Plan that was under the category of Neighborhood Objectives. The 2005-2006 activities consist of infrastructure improvements, recreation activities, senior programs, education support and neighborhood improvement programming.

The neighborhood priorities as developed in the Consolidated Plan are:

PRIORITY 1. Increase Leisure Services activities/facilities.

PRIORITY 2. Improve quality of life in low/moderate income neighborhoods.

PRIORITY 3. Increase neighborhood retail opportunities

PRIORITY 4. Improve and upgrade city public safety equipment

PRIORITY 5. To continue to work with and when possible supply financial assistance to subrecipients in the health field.

As in the past the City of Muskegon will periodically during fiscal year review its activities to assure that the performances of its programs are meeting its goals and objectives. This will be accomplished by reviewing subrecipients and CHDO's quarterly reports as well as conducting on-site monitoring visits. As well as reviewing the department's performance on a monthly / quarterly basis. All subrecipients and CHDO's are informed in their agreements that they have one year to complete their projects (June 1 through May 31) unless an extension is granted by the City of Muskegon Community and Neighborhood Services

Public Comment

The City of Muskegon advertised the availability of the 2005 – 2006 Action Plan in the Muskegon Chronicle, the county's largest daily newspaper. The comment period for the Action Plan was March 15, 2005 to April 15, 2005. The City received no comments during that period.

ACTION PLAN - YEAR 29

6/01/05 thru 5/31/2006

**Community Development Block Grant Program
Description of Key Proposed Projects**

	<u>AMOUNT</u>
<u>PROGRAM ADMINISTRATION</u>	\$180,000
<u>SHORELINE DRIVE – Bond Repayment</u>	245,000
<u>HOUSING REHABILITATION</u>	411,500
<u>PUBLIC IMPROVEMENTS</u>	80,000
<u>CODE ENFORCEMENT</u>	40,000
<u>RESIDENTIAL CLEARANCE</u>	50,000
<u>PUBLIC SERVICES</u>	130,000
TOTAL - CDBG	\$1,136,500

**HOME Investment Partnerships Program
Description of Key Proposed Projects**

DEVELOPMENT	
Tax-Reverted Infill	65,000
SUPPORT SERVICES	
Certified Community Housing Development Organizations	105,000
HOUSING	
Tax-Reverted Rehabilitation	100,000
Rental Rehabilitation	20,000
ADMINISTRATION	33,700
CONTINGENCY	<u>13,300</u>
TOTAL - HOME	\$337,000

Date: April 1, 2005
To: City Manager and City Commissioners
From: Robert Kuhn, Public Works Director
RE: Public Service Building Modifications

SUMMARY OF REQUEST:

We are requesting approval to purchase one heating and air conditioning unit to service 2 offices being created in a shop area. This equipment will also replace aging equipment for the conference room and 3 other interior offices. By centralizing to one unit and eliminating 4 other units, energy savings are anticipated.

FINANCIAL IMPACT: \$11,553.67

\$50,000 has been earmarked for capital needs at the Public Service Building in 2005.

BUDGET ACTION REQUIRED:

None needed.

STAFF RECOMMENDATION:

Recommend approval.

Memorandum

To: Bob Kuhn, Public Works Director
From: Bob Fountain
Date: 3-31-05

Ref: Heat and Air Conditioning Bids for Public Service Building

We are proposing to add heat and air conditioning to 6 offices at the Public Service Building. The offices would be the Stockroom office, Sign Fabricator's Office, Water Supervisors' Office, Conference Room, and the 2 new superintendent offices to be built.

We will eliminate: 4 widow air conditioners, 2 portable heaters, 1 shop unit heater, 1 forced air furnace and 1 air conditioner compressor unit. The last 2 items are at the end of their life span. The 2 new offices are being remodeled out of a shop area and need heat and air conditioning. The window air conditioners and portable heaters that are to be eliminated are inefficient so we anticipate energy savings with this change.

The bids are as follows.

1. East Muskegon Roofing and sheet metal. 1665 Holton Road, Muskegon, Mi. 49445-1498, (\$ 31,470.00)
2. AirPro Systems. 4680 Seng Road, Muskegon Mi. 49441, (\$12,160.50)
3. Bowen Refrigeration, Heating & Cooling, 1152 Getty St, Muskegon Mi. 49442, (\$ 11,553.67)

JR Gann called Don Bowen (Bowen Refrigeration, Heating & Cooling) to ask about his bid being so much lower than the high bid, he advised his quote was right and he would stand by it.

Therefore I recommend we take Bowen's low bid of \$ 11,553.67

4-12-05
2005-36(c)

CITY OF MUSKEGON

AGREEMENT FOR SERVICES OR CONSTRUCTION Small and Limited Projects

THIS IS AN AGREEMENT between the CITY OF MUSKEGON ("City"), 933 Terrace Street, Muskegon, Michigan, and Bowen Refrigeration, Heating & Cooling ("Contractor"), of Muskegon, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before May 31, 2005.

Price

Contractor will perform as set forth above for the complete contract price of \$ 11,553.67.

Conditions and Covenants

Contractor will comply with all laws, rules and regulations of the City, and any other local government of the State of Michigan and the United States Government. Contractor will supply insurance as required by separate written document, naming the City as an additional insured, if appropriate, and shall carry such additional insurance coverage's as are required by the City. Contractor shall hold the City harmless against any and all claims for damages or costs made against the City arising from Contractor's performance, including all costs of defense, attorneys' fees, expenses and the amount of any damage determined against the City.

Contractor certifies that it is eligible for performance of government work and has not been cited or listed for failure to comply with Wage and Hour or prevailing wage regulations of the State of Michigan or the Federal Government.

Termination and Cancellation

This contract may be terminated for failure to perform in accordance herewith, and Contractor shall be liable for normal contractual remedies available to the City. In the event liquidated damages for nonperformance are agreed to, the following amounts constitute liquidated damages:

\$ N/A per day of nonperformance.

Nondiscrimination Compliance

Contractor agrees to comply with all nondiscrimination laws, rules and regulations and policies of the City, State and Federal Governments including, but not limited to, the provisions of Executive Order 11246, Affirmative Action Requirements for Disabled Veterans and Veterans of the Viet Nam Era and for Handicapped Workers. If required by the City and appropriate for the services in this contract, Contractor shall comply with City oversight procedures. The provisions of all said policies, rules,

executive orders and laws regarding nondiscrimination and affirmative action are available from the City by contacting the Affirmative Action Director of the City, City Hall, 933 Terrace Street, Muskegon, Michigan, telephone 724-6703. The City may supply a copy with this contract in its discretion.

The parties agree to performance of this contract by signing below. The effective date of this agreement is April 13, 2005.

Witnesses:

Donald P. Bowen

Contractor:

By H. Jansen

CITY OF MUSKEGON

By J. B. H.

and _____

CITY OF MUSKEGON

Contract Between
City of Muskegon
and
Bowen Refrigeration, Heating & Cooling

STATEMENT OF WORK

See attached scope of services

Initials:

Contractor:

KL

City:

JA

(staff member)

BOWEN REFRIGERATION, HEATING & COOLING
 1152 Getty Street
 MUSKEGON, MICHIGAN 49442
 #71-10983

(231) 788-4870
 Fax (231) 733-0932

TO:

The City of Muskegon

933 Terrace Street

P.O. Box 536

Muskegon

MI

49443

PROPOSAL**4577**

PHONE (231) 724-6710

DATE 03/03/05

JOB NAME / LOCATION DPW

REVISED 3/3/05

JOB NUMBER

JOB PHONE (231) 724-6710

We hereby submit specifications and estimates for:

1-Rheem Corsaire furnace

93% efficient ~ 90,000 btu's

1-Rheem Corsaire air conditioner

10 SEER ~ 3 tons

Cased coil

6-Zone dampers

6-Programmable thermostats

Lineset

Gas piping

Ductwork to all rooms with fire dampers where needed

Venting

5 year parts warranty

1 year labor warranty

20 year heat exchanger warranty

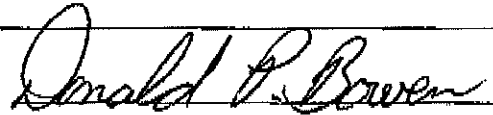
WE PROPOSE hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of:

dollars (\$) 11,553.67

Payment to be made as follows:

In full upon completion

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized
SignatureNote: This proposal may be
withdrawn by us if not accepted within

30 days.

ACCEPTANCE OF PROPOSAL — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

Date: April 12, 2005
To: City Manager and City Commissioners
From: Robert Kuhn, Public Works Director
RE: Public Service Building Modifications

Approved

4-12-05

5-12-05 Please
Prepare a contract with
the attached this
to it. Sign
it give clerk
copy.

clerk
copy.

mchd.

4-13-05

SUMMARY OF REQUEST:

We are requesting approval to purchase one heating and air conditioning unit to service 2 offices being created in a shop area. This equipment will also replace aging equipment for the conference room and 3 other interior offices. By centralizing to one unit and eliminating 4 other units, energy savings are anticipated.

FINANCIAL IMPACT: \$11,553.67

\$50,000 has been earmarked for capital needs at the Public Service Building in 2005.

BUDGET ACTION REQUIRED:

None needed.

STAFF RECOMMENDATION:

Recommend approval.

Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Signal Maintenance for Public Crossing over CSX's tracks

SUMMARY OF REQUEST:

Authorize staff to issue a payment of \$30,000 due CSX from the city for the nine (9) public crossing over active CSX tracks. The attorney's office reviewed the claims by CSX and found them to be accurate in their demand for compensation as called for in Public Act 354, adopted in 1994. Staff was not aware of such charges until the bill was received in March of 05.

The amount requested was negotiated down with CSX to \$30,000 from the amount originally requested of \$37,530.

FINANCIAL IMPACT:

\$30,000

BUDGET ACTION REQUIRED:

This additional expense will be reported on the upcoming quarterly budget update

STAFF RECOMMENDATION:

Authorize payment to CSX for \$30,000.

COMMITTEE RECOMMENDATION:

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

March 24, 2005

Mohammad Al-Shatel
City Engineer
City of Muskegon
933 Terrace St.
Muskegon MI 49443

Re: CSX Transportation Signal Maintenance Reimbursement

Dear Mr. Al-Shatel,

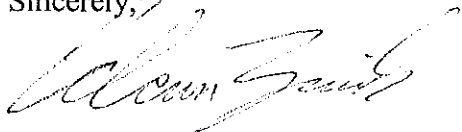
You asked for our opinion regarding CSX Transportation's March 9, 2005 written request for \$37,530 in reimbursement expenses for physical inspections of its automatic railroad signals located in the City of Muskegon.

It is our opinion that CSXT is legally correct that MCL 462.315(3) requires the City to *annually* reimburse CSXT a fixed amount for inspection of each of their "active traffic control devices" located within the City of Muskegon. They are also correct that this fixed amount was increased by the state legislature in 2001, and they are only allowed to collect their expenses for the past six years.

While it is our opinion that their legal conclusions are correct, we recommend that you inquire into the factual accuracy of their invoice, in order to ensure that the active control devices in fact exist at the stated crossings, and CSXT's classifications are correct.

If you have any further questions or concerns, please feel free to contact me.

Sincerely,



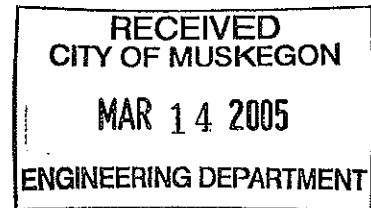
Adam Zuwerink
Direct: 231.722.5400
agz@parmenterlaw.com



500 Water Street, J180
Jacksonville, FL 32202-4420
Phone: 904-633-4599
Fax: 904-633-4581

March 9, 2005

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



Dear Mr. Al-Shatel,

CSX Transportation recently completed a physical inspection and audit of the automatic signal protection devices currently existing at public road crossings in Muskegon County. We identified that we failed to bill signal maintenance reimbursement amounts due CSX from the City of Muskegon as provided by Michigan Public Act 354 of 1993 and Public Act 5 of 2001.

The attached listing of the failures to bill is presented for your review and verification prior to our issuance of an invoice to assess \$37,530 in unbilled signal maintenance charges due CSX for the current and previous 5 year period as allowed by the statute of limitations. Enclosed are copies of Public Acts 354 and 5 that also contain the schedule of annual fees that should have been assessed for the billing periods as ready reference and in support of the charges.

Because of the large amount that has accrued over the years and to lessen the financial impact to the City, CSX is agreeable to accepting two equal payments of \$18,765 each with one due now and the other half due July 1, 2005 at the start of the next fiscal year. It should be realized that because of the statute of limitations, the City avoided paying over five years of signal maintenance reimbursement expense that CSX should have billed beginning January 14, 1994, the effective date of PA 354.

Please respond within 20 days of receipt of this letter to advise of any discrepancies to enable correction of our records before preparing an appropriate invoice that will be sent to your attention within the next 25 days. We apologize for our failures to promptly bill the charges and appreciate your cooperation and understanding in this matter. We have enjoyed a beneficial relationship within the community and look forward to maintaining that relationship.

Please contact me if you have questions or require additional information regarding the above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shane Whitemore".

Shane Whitemore
Director-Property Management
Property Services

DOT #	Milepost	Signal Class	Description	Location	Billed As	Should Be	Difference	Number of Years	Amount Due
235694-G	CGC 55.36	3	Flashers on Cantilever Arms, Single Track	Laketon	Not Billed	\$ 895.00	\$ 895.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,685.00
235694-G					Not Billed	\$ 520.00	\$ 520.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,560.00
235697-C	CGC 55.59	1	Flashers on Side Posts, Single Track	Forest	Not Billed	\$ 760.00	\$ 760.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,280.00
235697-C					Not Billed	\$ 580.00	\$ 580.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,740.00
235698-J	CGC 55.67	1	Flashers on Side Posts, Single Track	Southern	Not Billed	\$ 760.00	\$ 760.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,280.00
235698-J					Not Billed	\$ 580.00	\$ 580.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,740.00
235700-H	CGC 55.83	1	Flashers on Side Posts, Single Track	Washington	Not Billed	\$ 760.00	\$ 760.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,280.00
235700-H					Not Billed	\$ 580.00	\$ 580.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,740.00
2 88-W	CGC 56.07	3	Flashers on Cantilever Arms, Single Track	Western Ave.	Not Billed	\$ 895.00	\$ 895.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,685.00
233688-W					Not Billed	\$ 520.00	\$ 520.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,560.00
233689-D	CGC 56.27	3	Flashers on Cantilever Arms, Single Track	Seventh St.	Not Billed	\$ 895.00	\$ 895.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,685.00
233689-D					Not Billed	\$ 520.00	\$ 520.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,560.00
233693-T	CGC 56.46	3	Flashers on Cantilever Arms, Single Track	Fifth St.	Not Billed	\$ 895.00	\$ 895.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,685.00
233693-T					Not Billed	\$ 520.00	\$ 520.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,560.00
233694-A	CGC 56.55	3	Flashers on Cantilever Arms, Single Track	Fourth St.	Not Billed	\$ 895.00	\$ 895.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,685.00
233694-A					Not Billed	\$ 520.00	\$ 520.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,560.00
233695-G	CGC 56.65	3	Flashers on Cantilever Arms, Single Track	Terrace Point Dr.	Not Billed	\$ 895.00	\$ 895.00	3 (10-01-2001 thru 9-30-2004)	\$ 2,685.00
233695-G					Not Billed	\$ 520.00	\$ 520.00	3 (10-01-1998 thru 9-30-2001)	\$ 1,560.00
								Total Due CSX	\$ 37,530.00

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

Assessor
(231) 724-6708
FAX (231) 726-5181

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

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

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

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

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

Engineering
(231) 724-6707
FAX (231) 727-6904

Finance
(231) 724-6713
FAX (231) 724-6768

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

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

Info. Technology
(231) 724-4126
FAX (231) 722-4301

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

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

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

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

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

Public Works
(231) 724-4100
FAX (231) 722-4188

Treasurer
(231) 724-6720
FAX (231) 724-6768

Water Billing
(231) 724-6718
FAX (231) 724-6768

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



West Michigan's Shoreline City
www.shorelinecity.com

March 16, 2005

John Schrier
Parmenter O'Toole
175 W Apple
Muskegon, MI 49443

Dear Mr. Schrier:

Please review the enclosed documents from CSXT and provide me with your understanding.

As I read through the acts provided, I do not see anywhere indicating an annual payment of the claimed amount. I do understand that there is an obligation to pay such an amount, but I'm not sure if it is a one-time payment (which may have been paid at the time if the initial installation) or if the amount listed should be paid annually.

Should you have any questions, please contact me at (231) 724-6944, (231) 724-6994 or via e-mail.

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

MSA/eh

CSX Transportation

Schedule of Fees for Railroad Signal Maintenance Reimbursement Due From Michigan Road Authorities as Established by Public Act 354 of 1993 and Public Act 5 of 2001

<u>Signal Class</u>	<u>Description</u>	<u>PA 354 Amount</u>	<u>PA 5 Amount</u>
Class 1	Flashers & Bells, Single Track	\$580	\$760
Class 2	Flashers, Bells & Gates, Single Track	\$750	\$830
Class 3	Flashers & Bells, Cantilever Arm, Single Track	\$520	\$895
Class 4	Flashers & Bells, Cantilever Arm & Gates, Single Track	\$1,040	\$1,215
Class 5	Flashers, Bells & Gates, Multiple Tracks	\$940	\$1,230
Class 6	Flashers & Bells, Cantilever Arm & Gates, Multiple Tracks	\$1,050	\$1,630
Class 7	Flashers & Bells, Multiple Tracks	(new class in 2001)	\$725
Class 8	Flashers & Bells, Cantilever Arm, Multiple Tracks	(new class in 2001)	\$1,005

The above fees are due CSX on an annual basis and billed in arrears for each annual period.

Public Act 354 fees were effective January 14, 1994

Public Act 5 fees were effective April 10, 2001

April 18, 2001

GENERAL COMMITTEE

Ms. Gloria R. Combe, CN-Chairperson
Mr. Thomas G. Drake, CSX
Mr. Marc Higginbotham, NS
Mr. John Larkin, E&LS
Mr. John F. Marshall, LS&I
Mr. Randy Marsh, CP
Mr. J. Reilly McCarren, WC/SSMB
Mr. Bim McGeehan, Conrail
Mr. Charles A. Pinkerton, CM
Mr. Larry Ross, HE/GRE/MM/MS/SV
Mr. James E. Shepherd, TSB
Mr. Jim Erickson, AA, Associate Member

RE: Public Act 5 of 2001 (H.B. 4234) Increases Fees That Railroad Companies Can Charge Road Authorities for Maintaining Lights and Gates at Highway/Rail Grade Crossings.

Dear Committee Members:

Enclosed for your information is Public Act 5 of 2001 (H.B. 4234), which was signed into law by Governor John Engler on April 10, 2001. Public Act 5 amends the Railroad Code of 1993 to increase the amount that road authorities are required to contribute annually to railroads for the maintenance of active traffic control devices at highway/rail grade crossings not covered by existing or future railroad-road authority agreements. Public Act 5 also requires that by January 1, 2010 and every ten years thereafter, the Department of Transportation complete a study to determine traffic control device maintenance costs and forward a copy to the committees of the House and Senate that consider railroad legislation. It would then be up to the legislature to enact the revised fees.

The new annual fee structure contained in P.A. 5 is as follows:

1. \$760 (rather than \$580) for flashing signals on a single track;
2. \$830 (rather than \$750) for flashing signals and gates on a single track;
3. \$895 (rather than \$520) for flashing signals with cantilever arm on a single track;
4. \$1,215 (rather than \$1,040) for flashing signals with cantilever arm with gates on a single track;
5. \$1,230 (rather than \$940) for flashing signals and gates on multiple tracks; and
6. \$1,630 (rather than \$1,150) for flashing signals with cantilever arms and gates on a multiple track.

General Committee

April 18, 2001

Page Two

Also, P.A. 5 sets contribution amounts for two new categories of traffic control devices:

- 7 • \$725 for flashing signals on a multiple track; and
- 8 • \$1,005 for flashing signals with cantilever arms on a multiple track.

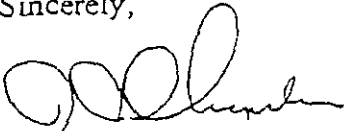
The new fee structure takes effect immediately, however State Representative Jason Allen (R-Traverse City), sponsor of this legislation, has asked me to convey to railroad companies that they not press a road authority for the new fees for the remainder of their fiscal year if the road authority objects because the increase was not included in their budget for this year.

The Michigan Railroads Association asked Rep. Allen to introduce House Bill 4234. Therefore, I ask that you take a minute to send a thank you letter to him for introducing and pushing this legislation through which will increase by 23% the amount railroads will be able to receive from road authorities to maintain safety enhancements at highway/rail grade crossings. Rep. Allen's mailing address is:

The Honorable Jason Allen
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

Thank you.

Sincerely,



Robert J. Chapmka

Enclosure

Cc: MRA Crossing/Engineering Committee
MRA Law Committee ✓
M. Ruehling, CSX

Act No. 5
Public Acts of 2001
Approved by the Governor
April 11, 2001
Filed with the Secretary of State
April 12, 2001
EFFECTIVE DATE: April 12, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Rep. Allen

ENROLLED HOUSE BILL No. 4234

AN ACT to amend 1993 PA 354, entitled "An act to revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe powers and duties of certain state and local agencies and officials; to prescribe fees; to create certain funds; to provide for the disposition of certain money; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending section 315 (MCL 462.315).

The People of the State of Michigan enact:

Sec. 315. (1) The department, by order, in accordance with section 301, may prescribe active traffic control devices to warn of the approach of trains about to cross a street or highway at public railroad grade crossings consisting of signals with signs, circuitry, or crossing gates and other appurtenances as depicted in the Michigan manual of uniform traffic control devices. A determination shall detail the number, type, and location of signals with signs, circuitry, or gates and appurtenances, which, however, shall conform as closely as possible with generally recognized national standards.

(2) Except as otherwise provided for in this act, the cost of any installation, alteration, or modernization of active traffic control devices shall be at equal expense of the railroad and road authority.

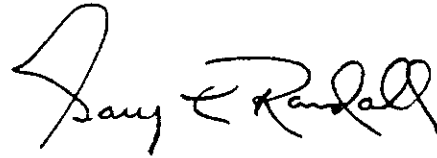
(3) After initial installation, all active traffic control devices, circuitry, and appurtenances at crossings shall be maintained, enhanced, renewed, and replaced by the railroad at its own expense, except that the road authority shall pay \$760.00 for flashing signals on a single track, \$830.00 for flashing signals and gates on a single track, \$895.00 for flashing signals with cantilever arm on a single track, \$1,215.00 for flashing signals with cantilever arm with gates on a single track, \$1,230.00 for flashing signals and gates on multiple tracks, \$1,630.00 for flashing signals with cantilever arms and gates on a multiple track, \$725.00 for flashing signals on a multiple track, and \$1,005.00 for flashing signals with cantilever arms on a multiple track annually for maintenance to the railroad for each crossing with active traffic control devices not covered by existing or future railroad-road authority agreements. The railroad shall furnish standard equipment uniform for all railroads at a cost and installation basis consistent for all railroads. By January 1, 2010 and every 10 years after 2010, the department shall complete a study to determine the cost of maintenance of active traffic control devices and shall forward a copy of the study to the members of the house and senate committees that consider railroad legislation.

(4) Standard active railroad-highway traffic control devices consisting of side of street flashing light signals with or without half-roadway gates and cantilevers shall include the railroad crossing (crossbuck) sign, "stop on red signal" sign, and number of tracks sign located, designed, and maintained on the signal support as prescribed by the Michigan manual of uniform traffic control devices. The railroad shall perform actual installation and maintenance of these signs. The railroad shall also install, renew, and maintain any signs placed on cantilevered signal supports. Whenever active traffic control devices are installed at any crossing, they shall be so arranged that for every train or switching movement over the grade crossing, the active traffic control device shall be in operation for a period of not less than

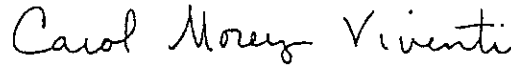
20 seconds or more than 60 seconds in advance of the train movement reaching the nearest established curb line or highway shoulder and the devices shall continue to operate until the train movement has passed the established curb line or shoulder on the far side of the highway.

(5) The department may order a railroad, at the railroad's expense, to stop and flag a crossing for normal train service or when active traffic control devices may become inoperable.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.

[Home](#)[Register](#)[Login](#)[Help](#)

Printer-Friendly Versions (pdf & html) of this Section - all combined into one document

Navigation		
←	Documents	→
	MCL Chapter Index	
	Chapter 462	
	Act 354 of 1993	
	Section 462.101	

RAILROAD CODE OF 1993 (EXCERPT)

Act 354 of 1993

462.101 Short title.

Sec. 101.

This act shall be known and may be cited as the "railroad code of 1993".

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994 .

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Legislature
Bills
Calendars
Committee Bill Records
Committee Meetings
Concurrent Resolutions
Joint Resolutions
Journals
Legislators
Public Acts
Resolutions
Session Schedules
Search Wizard
Basic Search
Advanced Search
Laws
Freq Requests (by topic)
Freq Requests (alpha)
Search Wizard
Basic MCL Search
Advanced MCL Search
Constitution Search
Chapter Index
Executive Orders
Historical Documents
MCL Tables
Publications
Publications
Publications (text only)
Related Sites
Related Sites
Legislative PDA Pages

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RAILROAD CODE OF 1993 (EXCERPT)**Act 354 of 1993****462.315 Active traffic control devices.**

Sec. 315.

(1) The department, by order, in accordance with section 301, may prescribe active traffic control devices to warn of the approach of trains about to cross a street or highway at public railroad grade crossings consisting of signals with signs, circuitry, or crossing gates and other appurtenances as depicted in the Michigan manual of uniform traffic control devices. A determination shall detail the number, type, and location of signals with signs, circuitry, or gates and appurtenances, which, however, shall conform as closely as possible with generally recognized national standards.

(2) Except as otherwise provided for in this act, the cost of any installation, alteration, or modernization of active traffic control devices shall be at equal expense of the railroad and road authority.

(3) After initial installation, all active traffic control devices, circuitry, and appurtenances at crossings shall be maintained, enhanced, renewed, and replaced by the railroad at its own expense, except that the road authority shall pay \$760.00 for flashing signals on a single track, \$830.00 for flashing signals and gates on a single track, \$895.00 for flashing signals with cantilever arm on a single track, \$1,215.00 for flashing signals with cantilever arm with gates on a single track, \$1,230.00 for flashing signals and gates on multiple tracks, \$1,630.00 for flashing signals with cantilever arms and gates on a multiple track, \$725.00 for flashing signals on a multiple track, and \$1,005.00 for flashing signals with cantilever arms on a multiple track annually for maintenance to the railroad for each crossing with active traffic control devices not covered by existing or future railroad-road authority agreements. The railroad shall furnish standard equipment uniform for all railroads at a cost and installation basis consistent for all railroads. By January 1, 2010 and every 10 years after 2010, the department shall complete a study to determine the cost of maintenance of active traffic control devices and shall forward a copy of the study to the members of the house and senate committees that consider railroad legislation.

(4) Standard active railroad-highway traffic control devices consisting of side of street flashing light signals with or without half-roadway gates and cantilevers shall include the railroad crossing (crossbuck) sign, "stop on red signal" sign, and number of tracks sign located, designed, and maintained on the signal support as prescribed by the Michigan manual of uniform traffic control devices. The railroad shall perform actual installation and maintenance of these signs. The railroad shall also install, renew, and maintain any signs placed on cantilevered signal supports. Whenever active traffic control devices are installed at any crossing, they shall be so arranged that for every train or switching movement over the grade crossing, the active traffic control device shall be in operation for a period of not less than 20 seconds or more than 60 seconds in advance of the train movement reaching the nearest established curb line or highway shoulder and the devices shall continue to operate until the

Navigation

←	Documents	→
	MCL Chapter Index	
	Chapter 462	
	Act 354 of 1993	
	Section 462.315	

Legislature

Bills
Calendars
Committee Bill Records
Committee Meetings
Concurrent Resolutions
Joint Resolutions
Journals
Legislators
Public Acts
Resolutions
Session Schedules
Search Wizard
Basic Search
Advanced Search
Laws
Freq Requests (by topic)
Freq Requests (alpha)
Search Wizard
Basic MCL Search
Advanced MCL Search
Constitution Search
Chapter Index
Executive Orders
Historical Documents
MCL Tables
Publications
Publications
Publications (text only)
Related Sites
Related Sites
Legislative PDA Pages

train movement has passed the established curb line or shoulder on the far side of the highway.

(5) The department may order a railroad, at the railroad's expense, to stop and flag a crossing for normal train service or when active traffic control devices may become inoperable.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994 ;--Am. 2001, Act 5, Imd. Eff. Apr. 12, 2001 .

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Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Pine St., Laketon Ave. to Dale Ave.

SUMMARY OF REQUEST:

The milling and resurfacing contract (H-1601) on Pine St. between Laketon Ave. and Dale Ave. be awarded to Asphalt Paving, Inc. out of Muskegon, MI. Asphalt Paving, Inc. was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$33,445.60.

FINANCIAL IMPACT:

The construction cost of \$33,445.60 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Asphalt Paving, Inc.

COMMITTEE RECOMMENDATION:

**H-1601 PINE ST., LAKETON AVE. TO DALE AVE.
BID TABULATION 04/05/05**

CONTRACTOR ADDRESS				ENGINEER'S ESTIMATE		ASPHALT PAVING, INC. 1000 E. SHERMAN BLVD MUSKEGON, MI 49444		ACCURATE EXCAVATORS 4040 CENTRAL RD. MUSKEGON, MI 49445		BRENNER EXCAVATING 2841 132ND AVE. HOPKINS, MI 49328		C & D HUGHES 3097 LANSING RD CHARLOTTE, MI 48813	
CITY/ST/ZIP				UNIT COST	TOTAL PRICE	UNIT COST	PRICE	UNIT COST	TOTAL PRICE	UNIT COST	PRICE	UNIT COST	TOTAL PRICE
ITEM OF WORK				UNIT	QTY	UNIT COST	PRICE	UNIT COST	TOTAL PRICE	UNIT COST	PRICE	UNIT COST	TOTAL PRICE
1	ADJUST CATCH BASIN CASTING			EACH	1	\$225.00	\$ 225.00	\$ 320.00	\$ 320.00	\$ 550.00	\$ 550.00	\$ 500.00	\$ 500.00
2	ADJUST MANHOLE CASTING			EACH	3	\$350.00	\$ 1,050.00	\$ 390.00	\$ 1,170.00	\$ 550.00	\$ 1,650.00	\$ 500.00	\$ 1,500.00
3	AGGREGATE PREPARATORY WORK			STA.	8	\$600.00	\$ 4,800.00	\$ 180.00	\$ 1,440.00	\$ 247.50	\$ 1,980.00	\$ 450.00	\$ 3,600.00
4	BITUMINOUS LEVELING MIX 3C @ 165#/ SQ.YD.			TON	184	\$50.00	\$ 9,200.00	\$ 43.65	8,031.60	\$ 48.01	8,833.84	\$ 48.00	8,832.00
5	BITUMINOUS TOP MIX 4C @ 165#/ SQ.YD.			TON	184	\$55.00	\$ 10,120.00	\$ 48.00	8,832.00	\$ 52.80	9,715.20	\$ 50.00	9,200.00
6	CATCH BASIN CASTING E.J.I.W. #7045 OR EQUAL			EACH	1	\$575.00	\$ 575.00	\$ 595.00	\$ 595.00	\$ 660.00	\$ 660.00	\$ 800.00	\$ 800.00
7	CONCRETE CURB AND GUTTER STD. DETAIL 1			LIN. FT.	20	\$30.00	\$ 600.00	\$ 20.00	\$ 400.00	\$ 19.80	\$ 396.00	\$ 26.00	\$ 520.00
8	CONCRETE SIDEWALK 4"			SQ.FT.	454	\$5.00	\$ 2,270.00	\$ 2.50	1,135.00	\$ 2.75	1,248.50	\$ 5.50	2,497.00
9	MANHOLE CASTING E.J.I.W. #1000 OR EQUAL			EACH	3	\$475.00	\$ 1,425.00	\$ 490.00	\$ 1,470.00	\$ 550.00	\$ 1,650.00	\$ 700.00	\$ 2,100.00
10	REMOVING BIT. SURFACE 3" PLUS OR MINUS BY COLD MILLING			SQ.YD.	2228	\$3.25	\$ 7,241.00	\$ 2.00	\$ 4,456.00	\$ 2.14	\$ 4,767.92	\$ 3.00	\$ 6,684.00
11	REMOVING CONCRETE CURB			LIN. FT.	72	\$12.00	\$ 864.00	\$ 4.75	\$ 342.00	\$ 16.50	\$ 1,188.00	\$ 15.00	\$ 1,080.00
12	REMOVING CONCRETE CURB & GUTTER			LIN. FT.	20	\$12.00	\$ 240.00	\$ 6.00	\$ 120.00	\$ 16.50	\$ 330.00	\$ 16.00	\$ 320.00
13	REMOVING CONCRETE SIDEWALK			SQ.FT.	434	\$1.75	\$ 759.50	\$ 1.00	\$ 434.00	\$ 1.10	\$ 477.40	\$ 2.00	\$ 868.00
14	TRAFFIC CONTROL			LUMP	1	\$2,000.00	\$ 2,000.00	\$ 4,700.00	\$ 4,700.00	\$ 2,035.00	\$ 2,035.00	\$ 5,000.00	\$ 5,000.00
TOTAL						\$ 41,369.50		\$ 33,445.60		\$ 35,481.86		\$ 43,501.00	\$ 55,160.30

Date: April 11, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Transmittal of 2004 *Comprehensive Annual Financial Report*

SUMMARY OF REQUEST: The City's 2004 *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 2004 CAFR has been prepared in accordance with GASB 34 accounting standards. The 2004 CAFR also includes the "single-audit" of federal grants. Previously, the single audit was filed as a separate report.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2004 and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Acceptance of the 2004 CAFR.

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

Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement By:
Lake Express LLC

SUMMARY OF REQUEST:

Lake Express LLC has requested your permission to erect directional sign on the Lakeshore Dr. public right of way. The proposed location of the sign is the northwesterly corner of the intersection of Lakeshore Dr. & Estes (assumption is Estes is a north-south direction).

The sign will be a double face lit-up and raised about 10' above the sidewalk surface.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

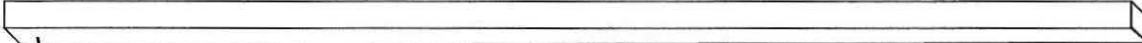
None

STAFF RECOMMENDATION:

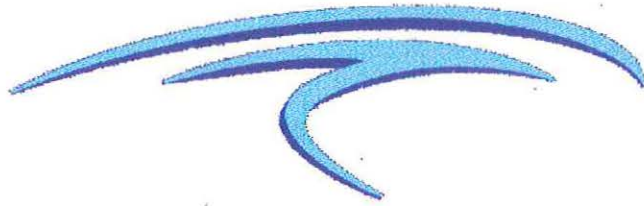
To approve the encroachment agreement with the supplemental conditions.

COMMITTEE RECOMMENDATION:

2 inch x 2 inch x 66 inch



CROSS LAKE FERRY



ENTRANCE



48.5 inches

66 inches

8 inches

10 - 14 feet high



LAKE EXPRESS, LLC
2330 S. LINCOLN MEMORIAL DRIVE
MILWAUKEE, WI 53207

USBANK
12-2-750

4/4/2005

3502

PAY TO THE City of Muskegon
ORDER OF

**100.00
\$

One Hundred and 00/100*****

DOLLARS

City of Muskegon
Attn: City Treasurer
933 Terrace Street
P O Box 536
Muskegon MI 49443-0536
MEMO 0399022501-9

⑈003502⑈ ⑈075000022⑈ 182355641404⑈

LAKE EXPRESS, LLC
City of Muskegon

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
04/04/2005	Bill	Sign Placement	100.00	100.00		100.00
				Check Amount		100.00

US Bank

0399022501-9

100.00

Details on back.
Security Features Included.

William R. Sininger

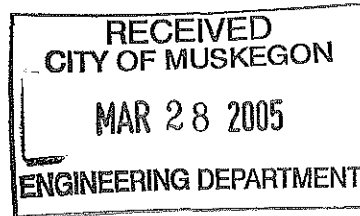
Attorney at Law, PLLC

One East Apple Avenue, Suite B, Muskegon, MI 49442

Telephone (231) 728-9023 - Fax (231) 726-3148 - Email: billsininger@verizon.net

March 8, 2005

City of Muskegon
Department of Engineering
Mohammed Al-Shatel
933 Terrace Street
Muskegon, Michigan 49440



RE: RC Productions, Inc./1756 Lakeshore Drive
Lake Express Request for Public Right-of-Way Encroachment Permit

Dear Ladies and Gentlemen:

This letter is written on behalf of RC Productions, Inc. who owns property located at 1756 Lakeshore Drive, in anticipation of the filing of an Application for Permission to Encroach Upon the Public Right-Of-Way to erect a sign on Laketon Drive by Lake Express.

RC Productions is opposed to granting of such permission based upon the following:

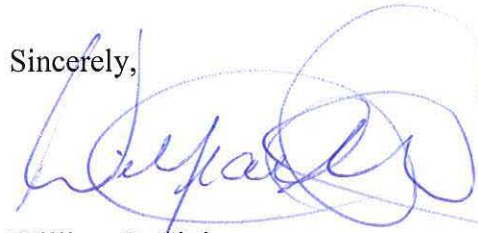
1. The City of Muskegon has in the past in connection with the business operated by RC Productions and other businesses in the area, been strict in the enforcement of its sign ordinances. RC Productions was required to "jump through several hoops" just to get its sign approved which is on site and well outside of the right-of-way area. The City should not now decide to change its policies with which everybody else has had to comply with.
2. The location of the sign in the public right-of-way creates not only clutter but also with its close proximity with the roadway creates a dangerous situation for traffic.
3. Alternate sites are available to Lake Express for the construction and maintenance of a sign which do not involve encroaching on public right-of-way and therefore no hardship or necessity exists.

City of Muskegon
March 8, 2005
Page 2

4. The request does not meet the criteria for a permit.

We are requesting that you advise us in writing as to time and place of any hearing to be held on the above application.

Sincerely,

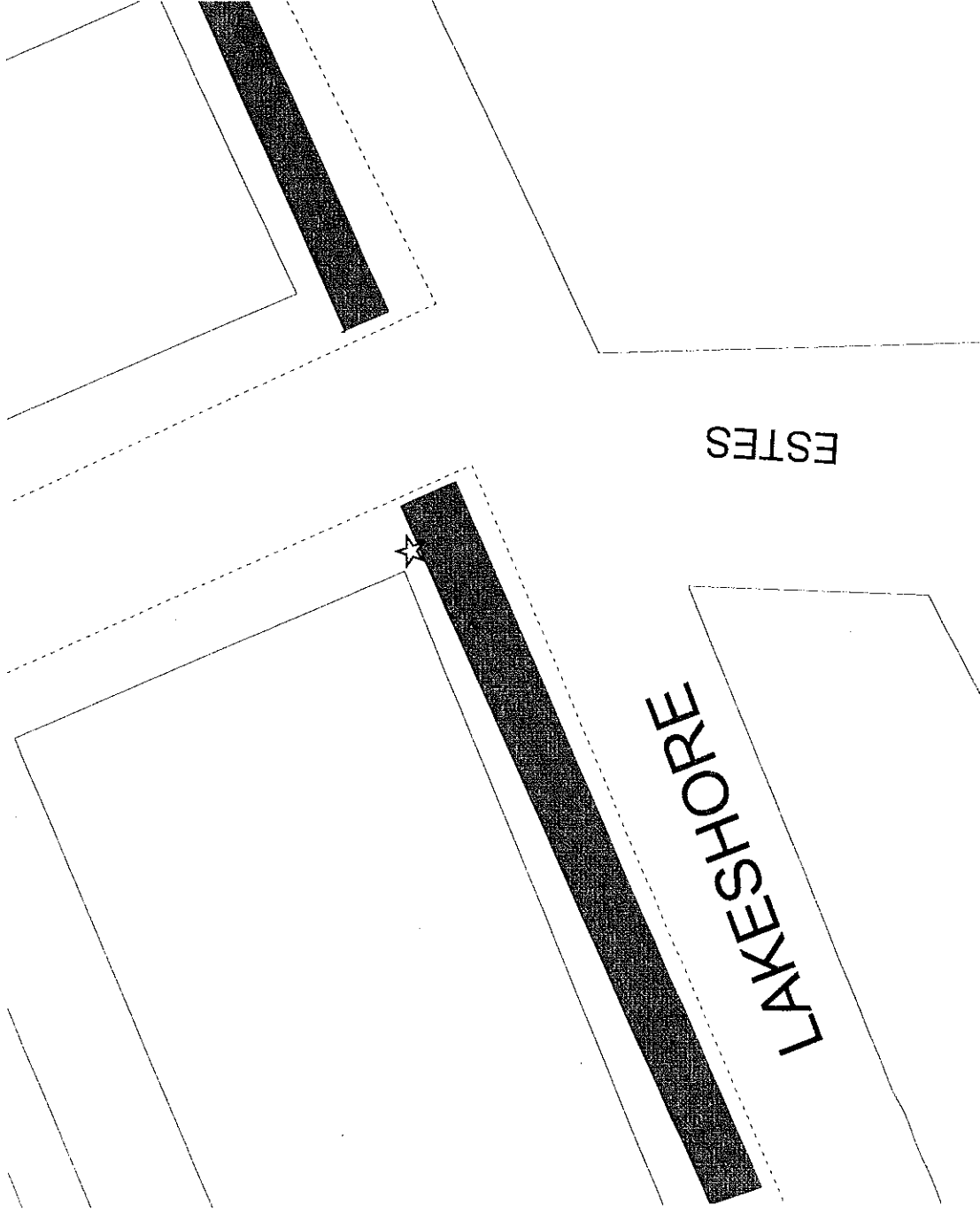


William R. Sininger

WRS/hb

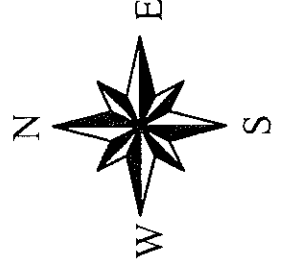
CC: Bryon L. Mazade

Sign Location



☆ Sign location
Right of Way
Sidewalk

Parcel



CERTIFICATE OF INSURANCE

DATE: April 6, 2005

THIS IS TO CERTIFY THAT THE POLICY(IES) OF INSURANCE LISTED BELOW HAVE PLACED ON BEHALF OF THE INSURED NAMED BELOW FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITIONS OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN AND/OR MAYBE REDUCED BY PAID CLAIMS.

INSURED: Lake Express, LLC

LOSS PAYEE: Assured or order

TYPE OF INSURANCE: Comprehensive Marine Liability, no signage exclusion

POLICIES No(S): LE-CNL-050404

VESSEL(S): 192 foot Passenger/Car Ferry "Lake Express"

LIMIT:
\$1,000,000 Any One Accident Or Occurrence
\$2,000,000 General Aggregate
\$1,000,000 Products Completed Operations aggregate
\$1,000,000 Personal Injury & Advertising Injury Aggregate
\$ 50,000 Fire Legal Liability
\$ 5,000 Premises Medical Payments

PERIOD: Twelve months from May 4, 2004

INSURED WITH: Indemnity Ins. Company of North America

Certificate Holder: City of Muskegon
933 Terrace
Muskegon, MI 49440
Att: Tim Paul

Certificate Holder (Owner) is included as an additional insured for their interests.

SHOULD ANY OF THE ABOVE DESCRIBED POLICY(IES) BE CANCELED BEFORE THE EXPIRATION DATES THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED ABOVE, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

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 COVERAGE AFFORDED BY THE POLICY(IES) ABOVE.

AUTHORIZED SIGNATURE:

+08 & DOWN WAY
43+08 P.O.E. CONC. CURB 24.5
43+16 P.O.E. CONC. CURB 24.5
+20 CONC. DIF. APPR
43+20 P.O.E. CONC. CURB

+31 P.O.B. CONC. APPR
43+31 P.O.E. CONC. CURB
43+33 P.O.E. 50' CONC. W.
43+38 W.V. 22.0'
43+40 FACE 22.0'
43+44 MANHOLE 22.0'
43+46 GAS VALVE 22.0'
+48 P.O.B. CONC. TERM
+48 P.O.E. CONC. APPR
43+52 P.O.E. CONC. CURB
43+56 Catch Basin 19
+53 END BLDG 39.0'
43+52 MANHOLE 39.5
+86 P.O.E. CONC. TFR
+86 P.O.E. CONC. CURB
43+86 P.O.E. 22.0' n W.V.

Sign Here

LINE

BEVERAGE CO.

STA 43+33 LT 43+35 LT
PLACE 35 Sq. Ft. 4" CONC.
RAMP TYPE I.

FROM ST
PLACE

CATCH BASIN WITH
1/2" CASTING ST #17045
or Equal

SAW ON 2

66' R.O.W.

43+00

44.6'-8" C-700 VIT. SAN. SEWER

STA 43+75 PLACE
4" DIA. DRAINAGE STRUCT
0'-8" DEEP & CAST. E.J. 1000

24.7'-12" C-700 VIT. SAN. SEWER

REMOVED EXIST.
SAN. SEWER

MATCH

66' R.O.W.

ESTES ST.

SIDEWALKS B.B. 31.5'
P.O. CURB 33.5'
5.0' WALK 22.0'
ST SIGN 34.0' MANHOLE 31.5'
P.O. CURB 45.5'

MANHOLE 170'
MANHOLE 33.0'
MANHOLE 180'
CURB 30.0'
P.O. SIGN 410'
V.T. 340'
V. 18.5'
"CH BASIN 39.0"
"CATCH BASIN 31.5"
POWER/TELE POLE 33.5'
FACE 50' SIDEWALK 25.5'
BACK CURB 33.0'
SIGNAL WIRE 25.0'
SIGNAL WIRE 25.0'

1" C. ESTES ST.

REMOVE

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 11th day of April 2005, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and LAKE EXPRESS LLC (hereinafter called LICENSEE).

RECITALS

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as

SIGN ON A 10 FT POLE IN CITY ROW AT
CORNER OF ESTES & LAKE SHORE

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the city, an accurate legal description]

CITY ROW AT ESTES & LAKE SHORE ON
NORTH WEST CORNER

3. The City is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

THEREFORE,

1. City does hereby grant unto LICENSEE the privilege of ___constructing, ___installing, ___maintaining, ___repairing ___performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term hereing stated. This

privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the City of the required evidence of insurance coverages.

This grant is subject to the following special conditions: Please see attached
supplemental conditions

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of One hundred twenty-five Dollars (\$ 125⁰⁰), such payment to be made upon the signing of this agreement to be dated as of the 12th day of April 2005, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 2010 unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the city by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to City, and issued by companies acceptable to the City, licensed in the State of Michigan, naming City as an additional insured on any such policy. LICENSEE will file with

City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the city a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE _ days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the city _____ days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to City and in default thereof shall be liable to City for any cost, damage or expense the City may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

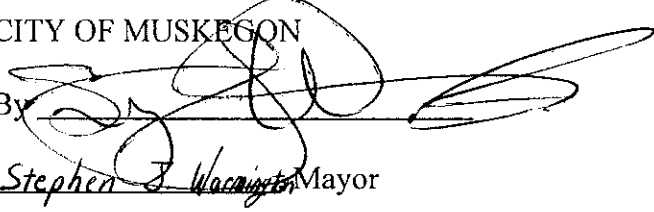
9. This agreement shall be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

CITY OF MUSKEGON

By 
Stephen J. Wacziarg Mayor

And Gail A. Kundinger
Gail A. Kundinger, Clerk

LICENSEE:

Joan H. Hatch

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the sign and any removal or relocation that becomes necessary to facilitate other public improvements projects within said right of way (s).
- 2- Grantee will maintain, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- It shall be the responsibility of the owner to ensure that buried elements relative to this sign are a part of the miss dig system at all times.
- 5- The city and/or it's agent are not responsible for any damage to the sign.



LAKE EXPRESS, LLC
2330 S. LINCOLN MEMORIAL DRIVE
MILWAUKEE, WI 53207

USBANK
12-2-750

8/24/2005

4289

PAY TO THE
ORDER OF

City of Muskegon

\$**25.00

Twenty-Five and 00/100*****

DOLLARS

City of Muskegon
Attn: City Treasurer
933 Terrace Street
P O Box 536
Muskegon MI 49443-0536

MEMO 0399022501-9

⑈004289⑈ ⑆075000022⑆ 182355641404⑈

LAKE EXPRESS, LLC
City of Muskegon

Date	Type	Reference
8/23/2005	Bill	Certificate Fee

8/24/2005

Original Amt.
25.00

Balance Due
25.00

Discount
Check Amount

Payment 4289
25.00
25.00

101-00000-4621
Encroachment Fee.

☐ FAXED RECEIVED ☐

SEP 01 2005

☐ APPROVED POSTED ☐
CITY OF MUSKEGON TREASURY

US Bank

0399022501-9

25.00

Details on back.
Security Features Included.

Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Janitorial Services for 2005 - 2008

SUMMARY OF REQUEST:

To award a janitorial services contract to Reliant Professional Cleaning out of Grand Haven to clean City Hall/Police Department and the Public Service Building for the next 3-years starting May 1st 2005 and thru April 30th of 2008 with an option on a fourth year. Reliant was the lowest responsible bidder, see attached tabulation sheet, with bid price as follow;

	2005-06	2006-07	2007-08	Total
City Hall & P.D	\$40,435.04	\$40,435.04	\$41,166.04	\$122,036.12
Public Service Building	\$12,459.60	\$12,459.60	\$12,699.60	\$37,618.80
Totals	\$52,894.64	\$52,894.64	\$53,865.64	\$159,654.92

FINANCIAL IMPACT:

The above stated annual costs

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To award a three year contract to Reliant Professional Cleaning with an optional fourth.

COMMITTEE RECOMMENDATION:

**CITY OF MUSKEGON JANITORIAL SERVICES 2005-2008
BID TABULATION 04/06/05**

CONTRACTOR ADDRESS		EDWARDS JANITORIAL SERVICE 661 SCENIC DR. N. MUSKEGON, MI 49445				RELIANT PROFESSIONAL CLEANING 216 N. 7TH ST. GRAND HAVEN, MI 49417				CSM SERVICES 3400 HIGHLAND DRIVE HUDSONVILLE, MI 49426			
	ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)
1	PUBLIC SERVICE BUILDING	\$ 17,628.00	\$ 17,628.00	\$ 17,628.00	\$ 18,624.00	\$ 12,459.60	\$ 12,459.60	\$ 12,699.60	\$ 12,699.60	\$ 17,741.80	\$ 17,741.80	\$ 17,741.80	\$ -
2	CITY HALL	\$ 59,322.96	\$ 59,322.96	\$ 59,322.96	\$ 61,464.00	\$ 40,435.04	\$ 40,435.04	\$ 41,166.04	\$ 41,166.04	\$ 51,481.84	\$ 51,481.84	\$ 51,481.84	\$ -
3	ALL SITES	\$ 76,950.96	\$ 76,950.96	\$ 76,950.96	\$ 80,088.00	\$ 52,894.64	\$ 52,894.64	\$ 53,865.64	\$ 53,865.64	\$ 69,223.64	\$ 69,223.64	\$ 69,223.64	
TOTAL 3-YEAR CONTRACT COST			\$230,852.88				\$159,654.92				\$207,670.92		

CITY COMMISSION MEETING
AGENDA ITEM: April 11, 2005

MEMORANDUM

To: Mayor and City Commissioners
From: Lee J. Slaughter, Assistant City Manager -- through the City Manager
Date: April 6, 2005
Re: LEAD Program - City Participation in GEAR UP 2011 Grant Proposal

SUMMARY OF REQUEST

Attached is a memo from Muskegon Public Schools requesting the City's partnership in the above referenced program. Giving their tight timeline (they requested a response on March 29, 2005) and the fact that what was requested of the City complies with the City Commission's goal to "Foster Opportunities for City Youth", with the City Manager's approval we consented to participate contingent upon City Commission approval.

I have also provided a summary breakdown of the type of in-kind service the City might offer in exchange for students volunteer services at City activities.

FINANCIAL IMPACT

Largely In-Kind Service.

BUDGET ACTION REQUIRED

N/A.

STAFF RECOMMENDATION

Staff recommends partnering with Muskegon Public School to apply for GEAR UP 2011 Grant Proposal.

PARTNER IDENTIFICATION FORM AND COST SHARE WORKSHEET

Please complete one form for each partner (other than the Applicant Organization).

1. Institution/Organization:: City of Muskegon, Michigan

Point of Contact: Name: Lee Slaughter

Title: Assistant City Manager Department: Administration and Leisure Services

Address: 933 Terrace Street

City: Muskegon State: Michigan Zip: 49440

Telephone: 231-724-6724 e-mail: Lee.Slaughter@postman.org Fax: 231-722-1214

2. Type of Organization:

☐ Local Education Agency

☐ Institution of Higher Education

(check all that apply)

A. ☐ Four-Year or ☐ Two-Year

B. ☐ Public or ☐ Private

C. ☐ College or ☐ University

D. ☐ HBCU ☐ HSI ☐ TCCU ☐ NHSI or ☐ ANSI

Other types:

☐ Business

☐ Community-based organization

☐ Professional association

☐ Philanthropic Organization

☐ State Agency

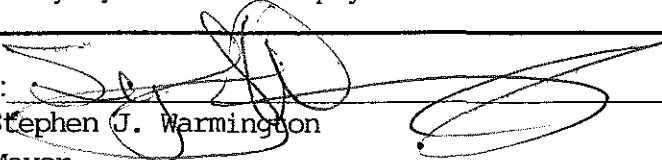
** Other: City Government

3. Non-Federal Fund contribution provided by Partner

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	TOTAL
1. Salaries and Wages			\$960	\$360	\$960	\$360	\$2640
2. Employee Benefits			\$338	\$92	\$338	\$92	\$860
3. Travel							
4. Materials and Supplies							
5. Consultants and Contracts							
6. Other	\$1600	\$1600					\$3200
A. Total Direct Costs (Sum of lines 1-6)	\$1600	\$1600	\$1298	\$452	\$1298	\$452	\$6700
B. Total Indirect Costs: (Cannot be greater than 8% of Total Direct Costs)							
C. Equipment							
D. Scholarships/Tuition Assistance							
E. TOTAL (Lines A + B+ C+ D)	\$1600	\$1600	\$1298	\$452	\$1298	\$452	\$6700

Please summarize the partner's specific support and commitment to the project in this space.

City will provide 12 hours per year in project years 3,4,5, and 6 of a staff member to link 18 students per year interested in public service careers, with other city staff members for career mentoring visits. City will provide a staff member to help organize a student leadership seminar in years 3 and 5 that will include 4 additional department heads to make presentations at seminar. Approximately 3 hrs. average time for the 5 city staffers involved in each seminar, for a total of 12 hours for each seminar. Seminar topics to include the workings of city government, city services, operations of city boards, and skills for citizen participation. City will "waive rental fee" for a venue for a GEAR UP 2011 activity in years 1 and 2 of the project.

Signature of Authorizing Official: 

Name of Authorizing Official: Stephen J. Warmington

Title of Authorizing Official: Mayor

**GEAR UP 2011 PROGRAM GRANT PARTNERSHIP
BETWEEN
CITY OF MUSKEGON AND MUSKEGON PUBLIC SCHOOLS**

PARTNERSHIP EXAMPLES

CITY IN-KIND CONTRIBUTION

- City staff as a liaison with the GEAR UP 2011 program to coordinate individual student job shadowing and career mentoring in public service careers during years 3 through 6 of the project.
- Providing a venue and collaborative coordination for an event in years 1 and 2 for students and parents that would tie in with a City sponsored event: Summer Celebration, hockey game, special meeting, ribbon-cutting, employee appreciation, etc.
- Providing two mini-leadership skills seminars for students during two summers, likely in year two and four, including presentations and knowledge about city government, citizen voice, and operations of various Boards and departments. Seminar to include student presence at appropriate city meetings.

STUDENTS IN-KIND EXCHANGE

In return for city services above, GEAR UP 2011 students would provide volunteer services at City activities, as they need good experiences in volunteering to build community and contribute to their accomplishments.

Memo

To: Lee Slaughter, City of Muskegon

From: Linda Riepma, Muskegon Public Schools, phone 720-2039, email
lriepma@mpsk12.net

Date: March 28, 2005

Thank you for consenting to discuss the City of Muskegon becoming a partner in a new federal competitive GEAR UP 2011 proposal I am writing on behalf of seventh grade cohorts of students at Bunker, Steele, Muskegon Heights, and Holton Middle Schools. As you know, we will propose using the LEAD 2005 model to work with students and their families in this expanded program. I have asked the Muskegon Heights and Holton participants to contact their local governments for partnering as well. As we put this proposal together, we are not so concerned with the amount of in kind match the partners bring to the table as we are having the appropriate partners to show that the success of this project is a community effort; in effect, "it takes a village to raise a child".

We would like the City of Muskegon to considering the following services and activities within the partnership over the six years of the project, and to have the City determine the appropriate match dollar values of portions of staff members' time and the costs of particular activities proposed. I offer the suggestions and examples below without actually knowing how particular city responsibilities and activities work, of course.

- Dedicating a portion of time of a city staff member as a liaison with the GEAR UP 2011 program to coordinate individual student job shadowing and career mentoring requests in years 3 through 6 of the project, as many of our students are interested in an array of public service careers. We would coordinate with that person so that students' needs would be met without over-taxing city staff members.
- Providing a venue and collaborative coordination for an event in years 1 and 2 for students and parents that would tie in with a City sponsored event: Summer Celebration, hockey game, special meeting, ribbon-cutting, etc. Cost would be for the time of a City staff person as collaborator, any costs for "rent" of a venue that would be waived, or other small contributed items (for example, if we had a family picnic at Heritage Landing in June and gave away a couple of donated Summer Celebration concert tickets in a drawing).
- Providing two mini-leadership skills seminars for students during two summers, likely in year two and four, including presentations and knowledge about city

government, citizen voice, and operations of various Boards and departments. Seminar to include student presence at appropriate city meetings. Costs would be for the time of a city staff member to coordinate and various other city staffers to make mini-presentations. Being in a seminar like this would be a great line on a student's college entrance application.

- In return for city services above, GEAR UP 2011 students would provide volunteer services at City activities, as they need good experiences in volunteering to build community and contribute to their accomplishments.

Thank you again!

Date: April 12, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Accept Shoreline Dr. East (First to Eastern) into the City's Street System

SUMMARY OF REQUEST:

Adopt the attached resolution, including exhibit A, accepting Shoreline Dr. East from First Street to Eastern Ave. and the realigned section of Ottawa Street between Ottawa & Western Ave. into the City's street system.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION NO. 2005-36(j)

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on April 12, 2005

RECITALS

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. The City of Muskegon owns fee simple title to that certain street known as **Shoreline Dr. east (between First & Eastern Ave) which opened to traffic on July 31, 2004.**
2. It is necessary to furnish certain information to the State of Michigan to place this street within the City's Local Street System for the purpose of obtaining funds under Act 51, P.a. 1951, as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the legal description of said street is described as:

See attached Exhibit A

2. That said street is located within a City right-of-way, is on City Property, and is under the control of the City of Muskegon.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System.

Resolution duly adopted.

YEAS: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

NAYS: None

CITY OF MUSKEGON

By Gail Kunderger

Gail Kunderger, Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON
2005-36(j)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Board of Commissioners of the City of Muskegon, Michigan, held on the 12th day of April, 2005, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.



Gail Kunding, City Clerk

March 12, 2001

09:31:19

HORIZONTAL ALIGNMENT CURVE DATA

PAGE 1 OF 1

Report Template: HORIZ_ALG_CURV_DAT2

Project Name: Shoreline Dr new

Alignment Name: SB Shoreline Dr HA2

Alignment Description: Southbound Shoreline Dr HA

Alignment Preference: 250prop

POINT	STATION	NORTHING	EASTING	CURVE DATA
PC	1+025.279	194930.134	798751.874	CURVE NO. 1 I = 65^50'38"
PT	1+278.101	195044.736	798961.763	R = 220.000 TLC = 252.822
				Tback = 142.444 Tahead = 142.444
PI	1+167.722	195055.384	798819.718	BACK AZ = N 28^26'35" E
				AHEAD AZ = S 85^42'47" E
POINT	STATION	NORTHING	EASTING	CURVE DATA
PC	a 1+445.954	195030.106	799156.943	CURVE NO. 2 I = 2^55'41"
PT	a 1+548.165	195019.865	799258.628	R = 2000.000 TLC = 102.211
				Tback = 51.116 Tahead = 51.116
PI	a 1+497.070	195026.285	799207.916	BACK AZ = S 85^42'47" E
				AHEAD AZ = S 82^47'06" E
POINT	STATION	NORTHING	EASTING	CURVE DATA
PC	a 1+602.190	195013.080	799312.226	CURVE NO. 3 I = 2^55'42"
PT	b 1+704.244	195002.839	799413.914	R = -2000.000 TLC = 102.214
				Tback = 51.118 Tahead = 51.118
PI	a 1+653.308	195006.660	799362.939	BACK AZ = S 82^47'06" E
				AHEAD AZ = S 85^42'48" E
POINT	STATION	NORTHING	EASTING	CURVE DATA
PC	b 1+853.939	194991.650	799563.190	CURVE NO. 4 I = 68^18'37"
PT	b 2+134.115	195123.062	799792.015	R = -235.000 TLC = 280.176
				Tback = 159.437 Tahead = 159.437
PI	b 2+013.376	194979.732	799722.181	BACK AZ = S 85^42'48" E
				AHEAD AZ = N 25^58'35" E

DATE	SCALE	CONT. SEC.	JOB NO.
03/05/01	1:1000	61153	

