

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 10, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Transfer Request – 1301 E. Apple. CITY CLERK
 - c. Liquor License Transfer Request – 1601 Beach. CITY CLERK
 - d. Sheldon Charter Park. LEISURE SERVICES
 - e. Intake Inspection Project. WATER FILTRATION
 - f. Dumpbox/Underbody and Tap System Purchase. PUBLIC WORKS
 - g. Aggregates Highway Maintenance Materials and Concrete. PUBLIC WORKS
 - h. McGraft Park Caretaker Pay Range. LEISURE SERVICES
 - i. City – MDOT Agreement for M – 120 Over the Muskegon River. ENGINEERING
 - j. Request for an Encroachment Agreement in the Area of Sherman and McCracken. ENGINEERING
 - k. Consideration of Bids, Windsor Henry to Barclay. ENGINEERING
 - l. MDOT Agreement for Barclay Street, Sherman to Hackley. ENGINEERING
- ❑ **PUBLIC HEARINGS:**
 - a. Continuation of Public Hearing – Millard Avenue. ENGINEERING
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

- a. SECOND READING: Rezoning Request for property at 2575 McCracken. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS:**

- a. Tall Ships Festival Request. LEISURE SERVICE
- b. Transmittal of 2000 Comprehensive Annual Financial Report. FINANCE
- c. Approving Cutting Edge Construction as one of the three Contractors for the City's Vinyl siding Program. COMMUNITY & NEIGHBORHOOD SERVICES
- d. High Service Pump #2 Rebuild. WATER FILTRATION
- e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTION SERVICES
1. 1712 Pine St.
 2. 1750 Pine
 3. 15 E. Muskegon
 4. 273 Merrill
 5. 1309 Sixth St.

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION:**

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **ADJOURNMENT:**

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

Date: April 10, 2001
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 27, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 10, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, April 10, 2001.

Mayor Fred J. Nielsen opened the meeting by offering the prayer after which the members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2001-36 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 27, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Liquor License Transfer Request - 1301 E. Apple. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 2000 SDM license at 1301 E Apple Ave. from Gurmet Singh and Jaswinder Singh solely to Jaswinder Singh.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments recommend approval.

c. Liquor License Transfer Request - 1601 Beach. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 2000 Class C-SDM license with Dance-Entertainment Permit, Official Permit (food), Outdoor Service

(2 areas), and two bars from Marquette, Inc., to Beach Street Inn, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments recommend approval.

e. Intake Inspection Project. WATER FILTRATION

SUMMARY OF REQUEST: To award a contract to Sea Brex Marine, Inc. of Stevensville, MI to perform a complete inspection of the Water Filtration Plant Intake including complete penetration of the pipeline.

FINANCIAL IMPACT: The low bid received is for \$24,000.00. This project is budgeted at 24,000.00.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Endorse the lowest responsible bidder, Sea Brex Marine, Inc., and enter into contract for the inspection of the Water Filtration Plant Intake.

f. Dumpbox/Underbody and Tarp System purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Dumpbox, Underbody scraper and Tarp System for 2001 Plow Truck (installed), from Truck and Trailer Specialists for \$18,258.00

FINANCIAL IMPACT: Total Cost \$18,258.00.

BUDGET ACTION REQUIRED: None, Total for Truck and Equipment 64,240.25, \$70,000.00 is budgeted.

STAFF RECOMMENDATION: Approval to purchase Plow Truck Dump Box, Underbody Scraper and Tarp System from Truck and Trailer Specialties for \$18,258.00.

g. Aggregates Highway Maintenance Materials and Concrete. PUBLIC WORKS

SUMMARY OF REQUEST: Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc.

Award bid to supply 20AA and 31A bituminous asphalt to Asphalt Paving, Inc.

Award bid to supply polymer modified anionic asphalt emulsion to Koch Materials Company.

Award bid to supply sylvax-patching material to either bidder based on availability.

There are no bids to supply limestone ship blend to DPW. We will purchase based on cost and availability.

Award bid to supply road slag to Verplank Trucking Company.

Award bid to supply concrete to Consumers Concrete. High Grade Concrete does have the lowest bid, but due to extra unloading charges, Consumers will be cheaper.

FINANCIAL IMPACT: \$100,972 based on 2000 usage at 2001 quotes.

BUDGET ACTION REQUIRED: None, monies appropriated in several budgets.

STAFF RECOMMENDATION: To award the various materials to the vendors as requested.

i. City – MDOT Agreement for M-120 Over the Muskegon River
ENGINEERING

SUMMARY OF REQUEST: To approve the contract with Michigan Department of Transportation to replace the M-120 Structure over the Muskegon River; together with the necessary related work. And to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: While this is an MDOT project, we are required to participate at the rate of 11.25% as stipulated by Act-51 since the project falls within the City's limits. The City's share is estimated at \$98,700 but not more than 11.25% of eligible cost. The total cost of the project is \$4,407,900.00

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

k. Consideration of Bids, Windsor, Henry to Barclay.
ENGINEERING

SUMMARY OF REQUEST: To award the contract for the construction of Windsor, including the watermain, from Henry to Barclay to Grant Tower since they were the lowest responsible bidder with a bid price of \$257,704.00.

FINANCIAL IMPACT: The construction cost of \$257,704.00 plus related engineering expenses.

BUDGET ACTION REQUIRED: None, this project is in the 2001 budget.

STAFF RECOMMENDATION: Award the contract to Grant Tower.

Moved by Commissioner Benedict, seconded by Vice Mayor Sieradzki to approve the consent agenda as read with the exception of items d,h,j,l, which were removed.

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

NAYS; None

MOTION ADOPTED

PRESENTATION: "This is your City of Muskegon" brochure.

Brenda Moore, Planning, presented a brochure on the City of Muskegon services and facts to the Citizens of the Community.

2001-37 ITEMS REMOVED FROM THE CONSENT AGENDA:

d. Sheldon Charter Park. LEISURE SERVICES

SUMMARY OF REQUEST: To accept the Quit Claim Deed from Muskegon Public School and to name Sheldon Park as a Charter Park.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Moved by Vice Mayor Sieradzki, seconded by Commissioner Spataro to accept the Quit Claim Deed from Muskegon Public Schools and to name Sheldon Park as a Charter Park.

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

NAYS; None

MOTION ADOPTED

h. McGraft Park Caretaker Pay Range. LEISURE SERVICES

SUMMARY OF REQUEST: To create a pay scale for the newly created Building Facility Caretaker position, which is an upgrade from the McGraft Caretaker position.

FINANCIAL IMPACT: New rate to be Step 2 Pay Scale - \$7 to \$8.50/hr. Old rate was \$5.50 to \$7/hr.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Moved by Vice Mayor Sieradzki, seconded by Commissioner Schweifler to approve the request to create a pay scale for the newly created Facility Caretaker position.

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

NAYS; None

MOTION ADOPTED

j. Request for an Encroachment Agreement in the Area of Sherman and McCracken. ENGINEERING

SUMMARY OF REQUEST: Kaydon Corporation has filed an encroachment agreement form requesting your approval to install three monitoring Wells within the following right-of-ways;

1. McCracken between Sherman and Letarte
2. Letarte between McCracken and Torrent
3. Torrent between Letarte and Sherman

This agreement would permit Kaydon's representative (Dell Engineering at this time) to sample underground water.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

Moved by Commissioner Aslakson seconded by Commissioner Shepherd to approve the encroachment agreement with the Kaydon Corp. to install 3 monitoring wells at 1. McCracken between Sherman and Letarte, 2. Letarte between McCracken and Torrent, 3. Torrent between Letarte and Sherman.

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

NAYS; None

MOTION ADOPTED

I. MDOT Agreement for Barclay Street, Sherman to Hackley.
ENGINEERING

SUMMARY OF REQUEST: To approve the contract with Michigan Department of Transportation for the reconstruction of Barclay Street from Sherman to Hackley and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT participation is about \$366,628.00 but not to exceed 81.85% of eligible cost. The estimated total (including engineering) cost of the project is \$600,000.00.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street Fund as was budgeted.

STAFF RECOMMENDATION: That the attached agreement and resolution be approved

Moved by Commissioner Benedict, to set public hearing in 2 weeks at next commission meeting. No second, therefore motion failed for lack of support.

Moved by Commissioner Spataro, seconded by Commissioner Aslakson to approve the MDOT agreement for Barclay, Sherman & Henry Streets and to authorize the Clerk and Mayor to sign the contract.

ROLL VOTE: AYES; Aslakson, Schweifler, Shepherd, Sieradzki, Spataro

NAYS; Benedict, Nielsen

MOTION ADOPTED

2001-38 PUBLIC HEARINGS:

a. Continuation of Public Hearing – Millard Avenue.
ENGINEERING

SUMMARY OF REQUEST: To continue the public hearing on the proposed special assessment of the **Millard from Lake Dunes to West End project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. Per your instruction on March 27th, we have revised the design of the proposed road to reflect a width of 22' back to back. The property owners affected by the proposed assessment have been notified and a drawing showing the revisions was mailed.

Furthermore, it is respectfully requested that if the district is created to award the contract to Jackson Merkey who was the lowest responsible bidder with a bid

price of \$129,888.70.

FINANCIAL IMPACT: Construction cost plus related engineering cost.

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:23pm to hear and consider any comments from the public. City Engineer, Mohammed Al-Shatel, explained the item. Comments were heard from Ronald Pesch, 3351 Millard; Susan Line, 3340 Millard. Both Citizens were opposed.

Moved by Vice Mayor Sieradzki, seconded by Commissioner Spataro to close the public hearing at 6:33pm and to create a special assessment district and appoint two Commissioners to the Board of Assessors.

ROLL VOTE: AYES; None

NAYS; Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

MOTION FAILED

COMMUNICATIONS:

CITY MANAGER'S REPORT:

2001-39 UNFINISHED BUSINESS:

a. **SECOND READING: Rezoning Request for property at 2572 McCracken.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 2572 McCracken St. (between Sherman Blvd. And Letarte Ave.) from R-1, Single-Family Residential and B-1, Limited Business to entirely B-2, Convenience and Comparison Business, or to entirely B-1, Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends rezoning the entire parcel to B-1, due to compliance with the future land use map and Master Land Use Plan, and to make the zoning consistent for the entire parcel.

COMMITTEE RECOMMENDATION: The Planning Commission recommended rezoning the entire parcel to B-1 at their 3/15/2001 meeting. The vote was unanimous.

Moved by Commissioner Spataro, seconded by Commissioner Aslakson to adopt ordinance to rezone the entire parcel to B-1.

ROLL VOTE: AYES; Schweifler, Shepherd, Spataro, Aslakson

NAYS; Nielsen, Sieradzki, Benedict

MOTION ADOPTED

2001-40 NEW BUSINESS:

a. Tall Ships Festival Request. LEISURE SERVICES

SUMMARY OF REQUEST: To waive all City service fees in conjunction with the Tall Ships event at Heritage Landing in August.

FINANCIAL IMPACT: Estimated at \$20,000.00.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Leisure Services Board recommends approval.

Moved by Vice Mayor Sieradzki, seconded by Commissioner Schweifler to waive the City service fees for the Tall Ships event.

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

NAYS; None

MOTION ADOPTED

b. Transmittal of 2000 Comprehensive Annual Financial Report. FINANCE

SUMMARY OF REQUEST: The City's 2000 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. Should the Commission wish to do so, staff and the independent auditors are prepared to conduct a special work session to focus on the CAFR as well as City finances in general.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2000 and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Acceptance of the 2000 CAFR.

Moved by Commissioner Spataro, seconded by Commissioner Schweifler to accept the 2000 Comprehensive Annual Financial Report as written.

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

NAYS; None

MOTION ADOPTED

c. Approving Cutting Edge Construction as one of the three contractors for the City's Vinyl Siding Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to add Cutting Edge Construction of Muskegon as one of the City's contractors to install siding through its housing rehabilitation program.

FINANCIAL IMPACT: The contract with Cutting Edge will be the same as with the

other two contractors \$75.00 a square and will be taken from CDBG budget.

BUDGET ACTION REQUIRED: None required

STAFF RECOMMENDATION: To approve CNS request.

Moved by Commissioner Benedict, seconded by Commissioner Spataro to approve the addition of Cutting Edge as one of the City's contractors to install siding through its housing rehabilitation program.

ROLL VOTE: AYES; Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Shepherd, (Schweifler, out of the room)

NAYS; None

MOTION ADOPTED

d. High Service Pump #2 Rebuild. WATER FILTRATION

SUMMARY OF REQUEST: To rebuild High Service Pump #2 (12 million gallon per day) prior to the summer season peak water demand.

FINANCIAL IMPACT: Cost of the pump rebuild is \$20,100.00.

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

STAFF RECOMMENDATION: To endorse Peerless-Midwest, Inc. as the contractor to rebuild high service pump #2 at a cost of \$20,100.00.

Moved by Commissioner Benedict, seconded by Commissioner Aslakson to approve the rebuild of pump #2 by Peerless-Midwest at a cost of \$20,100.00.

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

NAYS; None

MOTION ADOPTED

e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the following:

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures listed below are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolitions of these structures and that the Mayor and the City Clerk be authorized and directed to execute contracts for demolition with the lowest responsible bidders.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Concur with Housing Board of Appeals to demolish.

Moved by Commissioner Aslakson, seconded by Commissioner Shepherd to concur with Housing Board of Appeals decision to demolish the structure at 1712 Pine St.

ROLL VOTE: AYES; Aslakson, Nielsen, Schweifler, Shepherd, Spataro

NAYS; Benedict, Sieradzki,

MOTION ADOPTED

Moved by Commissioner Aslakson, seconded by Commissioner Shepherd to concur with Housing Board of Appeals decision to demolish the following structures at 1750 Pine (*Garage Only*), 247 Amity, 462 White.

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

NAYS; None

MOTION ADOPTED

Moved by Commissioner Benedict, seconded by Commissioner Shepherd to postpone decision on the demolition of 15 E Muskegon Ave. until the next meeting in 2 weeks.

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

NAYS; None

MOTION ADOPTED

Moved by Commissioner Shepherd, seconded by Commissioner Spataro to concur with Housing Board of Appeals decision to demolish the structure at 273 Merrill.

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

NAYS; None

MOTION ADOPTED

Moved by Commissioner Spataro, seconded by Commissioner Shepherd to concur with Housing Board of Appeals decision to demolish house and garage at 1309 Sixth St.

ROLL VOTE: AYES; Shepherd, Spataro, Aslakson, Nielsen, Schweifler

NAYS; Sieradzki, Benedict

MOTION ADOPTED

2001-41 ANY OTHER BUSINESS:

- a. Notification Process for Special Assessments, (Commissioner Benedict)

Moved by Commissioner Spataro to refer to staff for a report on the potential expense of mailing options. No support, therefore, motion withdrawn.

Moved by Commissioner Aslakson, seconded by Commissioner Benedict to refer to staff to study costs to convert the Special Assessment mailings to certified mail, return receipt requested and report back to Commission in two weeks.

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

NAYS; None

MOTION ADOPTED

- b. Investigation into Price of Gasoline in West Michigan, (Mayor Nielsen)

Moved by Commissioner Aslakson, seconded by Commissioner Spataro to request that staff draft a resolution to send to the County in support of their investigation of the gasoline prices.

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

NAYS; None

MOTION ADOPTED

2001-42 PUBLIC PARTICIPATION:

Various comments were heard from the general public.

2001-43 CLOSED SESSION: To discuss Pending Litigation.

Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to go to closed session at 8:52pm.

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

NAYS; None

MOTION ADOPTED

Moved by Commissioner Aslakson, seconded by Commissioner Spataro to return from closed session at 9:22pm.

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

NAYS; None

MOTION ADOPTED

Moved by Commissioner Aslakson, seconded by Commissioner Spataro to release the retainer and allow Michigan Municipal Risk Management Authority to settle.

ROLL VOTE: AYES; Schweifler, Shepherd, Spataro, Aslakson, Benedict, Nielsen, (Vice Mayor Sieradzki absent)

NAYS; None

EXCUSED; Sieradzki

MOTION ADOPTED

ADJOURNMENT:

The Regular Commission Meeting for the City of Muskegon was adjourned at 9:23pm.

Respectfully submitted;

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

Gail Kunderger, CMC/AAE

City Clerk

GK/da

Date: April 10, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunder, City Clerk
RE: Liquor License Transfer Request
1301 E. Apple, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 2000 SDM license at 1301 E. Apple from Gurmet Singh and Jaswinder Singh solely to Jaswinder Singh.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



March 13, 2001

To: The City Commission through the City Manager

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

Re: Transfer of Ownership of Liquor License at 1301 E. Apple Avenue

The Muskegon Police Department has received a request from the Liquor Control Commission for an investigation concerning the transfer of the current 2000 SDM license located at 1301 E. Apple. The applicants involved are Gurmeet Singh and Jaswinder Singh.

The request is to transfer of ownership of the license solely to Jaswinder Singh. Mr. Singh resides at 549 Marlane Street, Muskegon, Michigan 49442. He currently works at the establishment which is retail business.

We have searched our records and conducted a Michigan Criminal History Check and find no reason to deny this request.

TK/cmw

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

RESOLUTION

2001-36(b)

At a Regular meeting of the City Commission
(Regular, or Special) (Township Board, City or Village Council)

called to order by Mayor Nielsen on April 10, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Benedict and Supported by Vice Mayor Sieradzki

That the request from Buntz, Inc. to transfer ownership of 2000 SDM Licensed business from Gurmeet Singh & Jaswinder Singh located at 1301 E. Apple, Muskegon, MI 49442, Muskegon County

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 7

Nays: 0

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be Recommended
(Recommended or
not Recommended) for issuance.

State of Michigan)
County of Muskegon) SS

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
(Regular or Special)

meeting held on the 10th of April, 2001
(Date)

(Signed)

Gail A. Kunderger
(Township, City, or Village Clerk)

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

(Address of Township, City or Village Board)
Muskegon, MI 49443-0536

SEAL

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

103266 NLL

BUSINESS NAME AND ADDRESS: (include zip code) BUNTY, INC.
1301 E. APPLE, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:
TRANSFER OWNERSHIP OF 2000 SDM LICENSE FROM GURMEET SINGH & JASWINDER SINGH

Section 1. APPLICANT INFORMATION

APPLICANT #1: JASWINDER SINGH	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 549 MARLINE ST MUSKEGON, MI 49442 231 777 1250	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 2-2-54 If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted: N/A	Date fingerprinted:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?

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

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

Section 3. Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No
3. Should this request be granted by the Commission? ☒ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

B. L. Klever
Signature (Sheriff or Chief of Police)

4-13-01
Date

3-7-01
J.S.H.
**MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION**

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1(4)]

DATE: March 1, 2001
REQUEST ID# 103266

Chief of Police
Muskegon Police Department
980 Jefferson Street
Muskegon MI 49440

Chief of Law Enforcement Office

Applicant: Bunty, Inc. request to transfer ownership of 2000 SDM
licensed business from Gurmeet Singh & Jaswinder Singh located at 1301
E. Apple, Muskegon, MI 49442, Muskegon County.

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

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

NO FINGER PRINT NECESSARY

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

LC-1972 Rev. 6/92
4880-1658
n11

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 3-13-00

Re: Transfer ownership of 1301 E. Apple, Muskegon, MI.

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Bunty, Inc. for transfer of ownership of 2000SDM licensed business from Gurmeet Singh & Jaswinder Singh located at 1301 E. Apple, Muskegon MI 49442.

This transfer of license is solely to Jaswinder Singh. Mr. Singh resides at 549 Marlane St, Muskegon MI 49442. He currently works at the establishment that is a retail business.

I have searched MPD records and conducted a Michigan Criminal History Check and find no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal flourish extending to the right.

Det. Kurt Dykman

data/common/Jsingh

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

RECEIVED
MAR 05 2001
City Clerks Office

Muskegon City Commission
933 Terrance St
P. O. Box 536
Muskegon, MI 49443-0536

March 1, 2001
REQUEST ID# 103266

The Liquor Control Commission has received an application from:
Bunty, Inc. request to transfer ownership of 2000 SDM licensed business from
Gurmeet Singh & Jaswinder Singh located at 1301 E. Apple, Muskegon, MI 49442,
Muskegon County. Stockholder Jaswinder Singh 549 Marline St, Muskegon, MI
49442 231 777 1250

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine
for consumption off the premises only. Specially Designated Distributor (SDD)
licenses permit the sale of alcoholic liquor, other than beer and wine under 21
per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted
by the local law enforcement agency and investigative forms will be released to
them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor
Control Act for off-premise licenses, the local governing body, or its designee,
may notify the Commission within 15 days of receipt of this letter if the
applicant location will not be in compliance with all appropriate state and
local building, plumbing, zoning, fire, sanitation and health laws and
ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws
and ordinances applicable in this case, with a copy of the law and/or ordinance
submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
nll



LIQUOR LICENSE REVIEW FORM

Business Name: Bunty, Inc.

AKA Business Name (if applicable): currently Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature *[Signature]*

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Bunty, Inc.

AKA Business Name (if applicable): currently Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature  3/24/01

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Bunty, Inc.

AKA Business Name (if applicable): currently Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Bunty, Inc.

AKA Business Name (if applicable): currently Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Debra Atkinson

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Bunty, Inc.

AKA Business Name (if applicable): currently Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Hurlburt

Gail A. Kundinger, City Clerk
Liquor License Coordinator

Affirmative Action

616/724-6703
FAX/722-1214

Assessor

616/724-6708
FAX/724-4178

Cemetery

616/724-6783
FAX/726-5617

Civil Service

616/724-6716
FAX/724-4055

Clerk

616/724-6705
FAX/724-4178

**Comm. & Neigh.
Services**

616/724-6717
FAX/726-2501

Engineering

616/724-6707
FAX/727-6904

Finance

616/724-6713
FAX/724-6768

Fire Dept.

616/724-6792
FAX/724-6985

Income Tax

616/724-6770
FAX/724-6768

Info. Systems

616/724-6706
FAX/722-4301

Leisure Service

616/724-6704
FAX/724-1196

Manager's Office

616/724-6724
FAX/722-1214

Mayor's Office

616/724-6701
FAX/722-1214

**Neigh. & Const.
Services**

616/724-6715
FAX/726-2501

Planning/Zoning

616/724-6702
FAX/724-6790

Police Dept.

616/724-6750
FAX/722-5140

Public Works

616/724-4100
FAX/722-4188

Treasurer

616/724-6720
FAX/724-6768

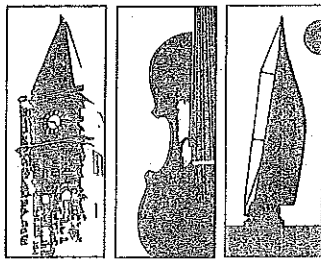
Water Billing Dept.

616/724-6718
FAX/724-6768

Water Filtration

616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

April 3, 2001

Mr. Gordon Peterman, President
Sheldon Park Neighborhood Association
1132 Oakgrove
Muskegon, MI 49442

Dear Mr. Peterman:

A request has been received from the Liquor Control Commission to transfer ownership of the existing 2000 SDM license at 1301 E. Apple from Gurmet Singh and Jaswinder Singh solely to Jaswinder Singh. A SDM license permits the sale of beer and wine for consumption off the premises. On Tuesday, April 10, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting April 10, 2001, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

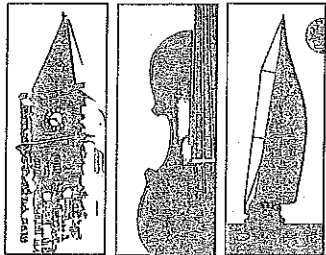
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

April 3, 2001

Mr. Jaswinder Singh
549 Marlane
Muskegon, MI 49442

Dear Mr. Singh:

This letter is to inform you that your request to transfer ownership of the 2000 SDM licensed business will be presented to the City Commission on April 10, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Sheldon Park Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Affirmative Action
516/724-6705
FAX/722-1214.

Assessor
516/724-6708
FAX/724-4178

Cemetery
516/724-6783
FAX/726-5617

Civil Service
516/724-6716
FAX/724-4055

Clerk
516/724-6705
FAX/724-4178

Comm. & Neigh.
Services
516/724-6717
FAX/726-2501

Engineering
516/724-6707
FAX/727-6904

Finance
516/724-6713
FAX/724-6768

Fire Dept.
516/724-6792
FAX/724-6985

Income Tax
516/724-6770
FAX/724-6768

Info. Systems
516/724-6706
FAX/722-4301

Leisure Service
516/724-6704
FAX/724-1196

Manager's Office
516/724-6724
FAX/722-1214

Mayor's Office
516/724-6701
FAX/722-1214

Neigh. & Const.
Services
516/724-6715
FAX/726-2501

Planning/Zoning
516/724-6702
FAX/724-6790

Police Dept.
516/724-6750
FAX/722-5140

Public Works
516/724-4100
FAX/722-4188

Treasurer
516/724-6720
FAX/724-6768

Water Billing Dept.
516/724-6718
FAX/724-6768

Water Filtration
516/724-4106
FAX/755-5290

April 17, 2001

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

REF: #103266
1301 E. Apple
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the resolution and police inspection report (LC-1800) for the liquor license transfer request mentioned above.

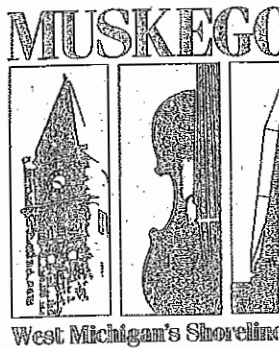
Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.



7000 0520 0013 9675 9396

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature ☒ Agent ☐ Addressee	
D. Is delivery address different from return address? ☐ Yes ☐ No	
If YES, enter delivery address below:	
MAIL & DELIVERY SERVICES AGENT FOR STATE OF MICHIGAN	
APR 18 2001	
3. Service Type ☒ Certified Mail ☐ Registered Mail ☐ Registered Mail Restricted Receipt for Merchandise ☐ Registered Mail Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No	

SENDER: COMPLETE THIS SECTION	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.	
■ Print your name and address on the reverse so that we can return the card to you.	
■ Attach this card to the back of the mailpiece, or on the front if space permits.	
1. Article Addressed to:	
<i>Liquor Control Commission</i>	
<i>7150 Harris</i>	
<i>PO Box 30005</i>	
<i>Lansing, MI 48909-7505</i>	
2. Article Number (Copy from service label)	
<i>7000 0520 0013 9675 9396</i>	

102595-00-M-0952

Domestic Return Receipt

PS Form 3811, July 1999

Date: April 10, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Transfer Request
1601 Beach Street, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 2000 Class C-SDM license with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 areas), and two bars from Marquette, Inc., to Beach Street Inn, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval contingent upon final inspection.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

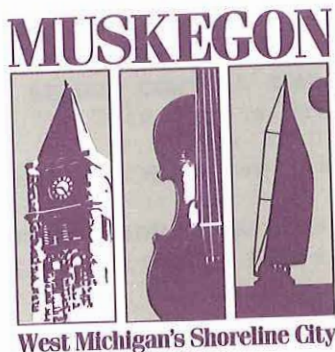
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



April 2, 2001

To: The City Commission through the City Manager

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

Re: Transfer of Ownership of Liquor License at 1601 Beach Street

The Muskegon Police Department has received a request from the Liquor Control Commission for an investigation concerning the transfer of the current license at 1601 Beach St, Pavilion Building, Muskegon MI. 49441 from applicant Beach Street Inn, Inc.

Beach Street Inn is requesting to transfer ownership of the current 2000 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 area"), and two bars from Marquette, Inc.

Our department has met with the applicant, Steve M. Schenck of 11517 Windsor Dr, Spring Lake, MI., 49345. Mr. Schenck plans to keep the entertainment permit and have music from both bands and pre-recorded background type music.

We have searched our records and conducted a Michigan Criminal History Check and find no reason to deny this request.

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 3-30-00

Re: Transfer of ownership/ liquor license

Chief Kleibecker,

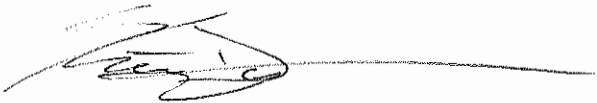
The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Beach Street Inn, Inc., Pere Marquette Park, 1601 Beach St, Pavilion Bldg., Muskegon MI. 49441.

Beach Street Inn is requesting to transfer ownership of 2000 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 area"), and 2 bars from Marquette, Inc.

I have met with the applicant, Steve M. Schenck of 11517 Windsor Dr, Spring Lake, MI., 49345. Mr. Schenck plans to keep the entertainment permit and have music from both bands and pre-recorded background type music.

I have searched MPD records and conducted a Michigan Criminal History Check and find no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal line extending to the right.

Det. Kurt Dykman

data/common/schenck

LIQUOR LICENSE REVIEW FORM

Business Name: Beach Street Inn, Inc.

AKA Business Name (if applicable): Jalapeno's

Operator/Manager's Name: Steven M. Schenck

Business Address: 1601 Beach Street

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature *[Signature]*

Gail A. Kunding, City Clerk
Liquor License Coordinator

J. L. H.
3-15-01

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Ref #
Req ID#103560

Date: March 9, 2001

To: Muskegon City Commission
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

Applicant: BEACH STREET INN, INC.

HOME ADDRESS AND PHONE NO:

Steven M. Schenck, 1601 Beach Street, Muskegon, MI 49441 H&B(616)485-1293

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

sfs

STEVEN M. SCHENCK 7-95
LIC. S520777603177
11517 WINDSOR DR.
SPARTA, MI 49345

9-32/720
275000529170

1175

DATE 3/30/01

PAY TO THE ORDER OF CITY OF MUSKEGON \$ 250.00
Two Hundred Fifty & 00/100 DOLLARS

BANK ONE.
Bank One
Detroit, Michigan 48226

MEMO Liquor Lic. Transfer

⑆072000326⑆ 275000529170⑈ 1175

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STEVEN M. SCHENCK 7-95
LIC. S520777603177
11517 WINDSOR DR.
SPARTA, MI 49345

9-32/720
275000529170

1176

DATE 3/30/01

PAY TO THE ORDER OF STATE OF MICHIGAN \$ 15.00
Fifteen DOLLARS

BANK ONE.
Bank One
Detroit, Michigan 48226

MEMO Finger Print Fee

⑆072000326⑆ 275000529170⑈ 1176

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LIQUOR LICENSE REVIEW FORM

*Kim ~~Steen~~ Channon
1-616-682-4979*

Business Name: Beach Street Inn, Inc.

AKA Business Name (if applicable): Jalapeno's

Operator/Manager's Name: Steven M. Schenck

Business Address: 1601 Beach Street

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ *4-3-01* Owing ☒ Amount: Over \$1,000.00

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature *Denise [Signature]* 3/16/2001

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Beach Street Inn, Inc.

AKA Business Name (if applicable): Jalapeno's

Operator/Manager's Name: Steven M. Schenck

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Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature  03/16/01

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Beach Street Inn, Inc.

AKA Business Name (if applicable): Jalapeno's

Operator/Manager's Name: Steven M. Schenck

Business Address: 1601 Beach Street

RECEIVED
MAR 16 2001
CITY OF MUSKEGON
PLANNING DEPARTMENT

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature *Phil L. Canera*

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Beach Street Inn, Inc.

AKA Business Name (if applicable): Jalapeno's

Operator/Manager's Name: Steven M. Schenck

Business Address: 1601 Beach Street

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: April 2, 2001

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects Requires
fire + building inspection.

Department Signature Pat B. Halish 3/28/01

Gail A. Kunderger, City Clerk
Liquor License Coordinator

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-3617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

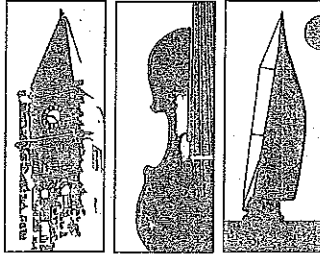
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

April 3, 2001

Mr. Steve M. Schenck
11517 Windsor Drive
Spring Lake, MI 49345

Dear Mr. Schenck:

This letter is to inform you that your request to transfer ownership of the 2000 Class C-SDM licensed business with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 areas), and two bars will be presented to the City Commission on April 10, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Beachwood/Bluffton Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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



April 3, 2001

Ms. Bonnie Witt, President
Beachwood/Bluffton Neighborhood Association
2261 Surfwood
Muskegon, MI 49441

Dear Ms. Witt:

A request has been received from the Liquor Control Commission to transfer ownership of the existing 2000 Class C-SDM license with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 areas), and two bars at 1601 Beach Street from Marquette, Inc., to Beach Street Inn, Inc. A Class C license permits the sale of beer, wine, liquor and mixed spirit drink for consumption on the premises. A SDM license permits the sale of beer and wine for consumption off the premises. On Tuesday, April 10, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting April 10, 2001, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

J. J. H.
3-15-01

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

2001-36(c)

REQ ID # 103560

At a Regular meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Nielsen on April 10, 2001 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Benedict and supported by Vice Mayor Sieradzki

That the request from BEACH STREET INN, INC. to transfer ownership of 2000 Class C licensed business with Dance-Entertainment Permit, located in escrow at Pere Marquette Park, 1601 Beach, Pavilion Bldg., Muskegon, MI 49441, Muskegon County, from MARQUETTE, INC.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on April 10, 2001.
(Date)

SEAL

(Signed)

Gail A. Kunderger
(Township, City or Village Clerk)

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

(Mailing address of Township, City or Village)
Muskegon, MI 49443-0536

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

Resolution No. 2001-36(c)

A Resolution approving lease of the business and building
subject to the Ground Lease at 1601 Beach Street.

Recitals

1. The City of Muskegon has entered into a Ground Lease for certain land located at 1601 Beach St. with Pavilion Properties, L.L.C., upon which is located a building and other improvements owned by Pavilion Properties L.L.C. and used for a restaurant and bar business, a use which is required to be carried on by the said lessee under the Ground lease.
2. The ground lessee, Pavilion Properties, L.L.C., wishes to operate its business in the building through a subsidiary entity, known as Beach Street Inn, Inc., which would be a lessee of the building owned by the ground lessee.
3. That there has been no request by the ground lessee to assign or otherwise alienate its responsibilities under the ground lease, and all the responsibilities of the ground lessee to the City, (ground lessor), remain unchanged.
4. That the purpose of the request relates solely to the responsibilities of the ground lessee under the ground lease.

NOW, THEREFORE, the City Commission of the City of Muskegon, relying upon and incorporating the above recitals, hereby resolves:

That the lease arrangement for the building between Pavilion Properties, L.L.C. and Beach Street Inn, Inc., is approved, **PROVIDED** that Pavilion Properties, L.L.C. shall remain fully responsible to the City for all requirements of the Ground Lease, and **PROVIDED** any act or omission by Beach Street Inn, Inc. shall be fully chargeable to, and shall be the responsibility of, Pavilion Properties, L.L.C. The City recognizes no separate right of Beach Street Inn, Inc., in the ground lease or the land which is the subject of that ground lease. Beach Street Inn, Inc. shall be entirely subject to all requirements and responsibilities of Pavilion Properties, L.L.C., and shall not be entitled to any separate notices or any separate rights.

In the event the lease provides anything contrary to the contents of this resolution, this resolution shall be void and the consent to the lease to Beach Street Inn, Inc. shall not exist.

2001-36(c)

THIS RESOLUTION ADOPTED

AYES Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro

NAYS None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

CERTIFICATE

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 10th day of April, 2001, 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 A. Kunderger
Gail A. Kunderger, City Clerk

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

Muskegon County

BEACH STREET INN, INC., Pere Marquette Park, 1601 Beach, Pavilion Bldg., Muskegon, MI 49441,

REQUEST FOR: Transfer ownership of 2000 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit,
Official Permit (Food), Outdoor Service (2 areas), and 2 bars, from MARQUETTE, INC.

Section 1.**APPLICANT INFORMATION**

APPLICANT #1:

Steve M. Schenck - Stockholder

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1601 Beach Street
Muskegon, MI 49441

H&B(616)485-1293

DATE OF BIRTH: 3-8-47

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.**Investigation of Business and Address to be Licensed**Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

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

Section 4.**Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes☐ No

3. Should this request be granted by the Commission?

☒ Yes☐ No

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

Signature (Sheriff or Chief of Police)

Date



STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

PI NUMBER: 103560

J. J. H.
3-15-01

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

BEACH STREET INN, INC.

APPLICANT/LICENSEE

PHONE NUMBER

1601 Beach St Muskegon Muskegon 49441
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☒ TOPLESS ACTIVITY ☐

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐
- Describe the type of entertainment applicant/licensee will provide: N/A ☐
Music- band & pre-recorded
- Will this entertainment include topless activity? YES ☐ NO ☒ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☒	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☒	N/A	☐

REMARKS

DATE SUBMITTED

B. L. H. 4-13-01
OFFICER'S SIGNATURE

Muskegon Police Department 231.724.6750

DEPARTMENT NAME

PHONE NUMBER

980 Jefferson Ave.

Muskegon

ADDRESS

CITY

**Beach Street Inn
1601 Beach Street
Muskegon, MI. 49441
phone 231-755-4208**

April 04, 2001

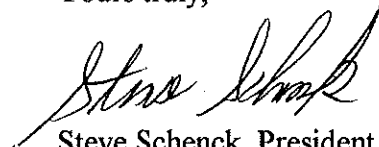
Mr. Bryon L. Mazade
City Manager
City of Muskegon
933 Terrace Street
Muskegon, MI. 49443-0536

Dear Bryon:

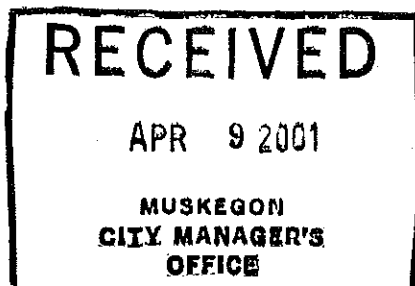
Today, I met with Mr. Tom Hagan, the investigator from the Michigan Liquor Control Commission, about the liquor license transfer. Everything went well. We reviewed the ground lease for the property with the City and he recommended that the City Commission should approve the sublease of the property from Pavilion Properties, L. L. C. to the new liquor license holder, Beach Street Inn, Inc., at the same time it approves the liquor license transfer. This approval appears to be required by the ground lease.

We will be granting Perry Mellema's sister, Kathy Mellema, a concession to operate the ice cream parlor portion of the building. If you think it is necessary, please also have the City approve our concession agreement for this space. We look forward with hope of City Commission approval on April 10th and to seeing you on opening night.

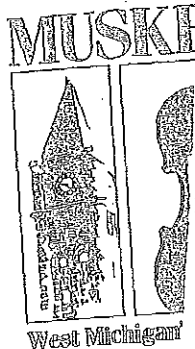
Yours truly,



Steve Schenck, President
Beach Street Inn, Inc.



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



April 17, 2001

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

REF: #103560
1601 Beach
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the resolution, police inspection report, Enforcement Agency Report, print card and check for the liquor license transfer request mentioned above.

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

Sincerely,

Kinda Potter

Linda Potter
Deputy Clerk

Enc.

2. Article Number (Copy from service label)
7000 0580 0.
PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature	☐ Agent ☐ Addressee
X	
D. Is delivery address different from item #2? If YES, enter delivery address below: <i>County, do not state</i>	
MAIL & DELIVERY SERVICE AGENT FOR STATE OF MICHIGAN	
APR 18 2001	
3. Service Type ☒ Certified Mail ☐ Registered Mail ☐ Registered Mail with Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes	

APR 18 2001

Stigum Control Commission
7150 Harwin
PO Box 30005
Tampa, MI 48109-7505

Street P.O. Box 536 Muskegon, MI 49443-0536

Date: March 26, 2001
To: Honorable Mayor and City Commission
From: DPW – Water Filtration
Re: Intake Inspection Project

SUMMARY OF REQUEST:

To award a contract to Sea Brex Marine, Inc. of Stevensville, MI to perform a complete inspection of the Water Filtration Plant Intake including complete penetration of the pipeline.

FINANCIAL IMPACT:

The low bid received is for \$24,000.00. This project is budgeted at \$24,000.00.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Endorse the lowest responsible bidder, Sea Brex Marine, Inc., and enter into contract for the inspection of the Water Filtration Plant Intake.

MEMORANDUM

MARCH 23, 2001

TO: R. KUHN, DPW
FROM: R. VENEKLASSEN, WFP
RE: INTAKE CRIB, PIPELINE, AND SHOREWELL INSPECTION

PROJECT BACKGROUND

The Water Filtration Plant recently solicited bids for an inspection of the Intake Crib, Pipeline, and Shorewell. The inspection is to include a complete penetration of the pipeline, video and written documentation of the conditions observed, and cleaning of the crib structure to remove the agglomerated zebra mussels. Additionally, we will be removing a minimum of twenty cubic feet of accumulated sediment from the pipe, beginning at the crib. This project was last performed in 1998.

With the onset of the zebra mussels we began complete inspections of this type on a three-year cycle. This ensures that the 2" chlorine application line used for zebra mussel control is intact and performing properly. Additionally, we perform annual inspections of the crib structure and chlorine application "halo" only in the two alternate years. This provides us information regarding the agglomeration of zebra mussels on the crib and indication whether the chlorine application appears in working order.

BIDDING

Sealed bids were solicited with three responses received. The results are as follows:

- | | |
|--|-------------|
| • Sea Brex Marine, Inc.
Stevensville, MI | \$24,000.00 |
| • Solomon Diving
Monroe, MI | \$37,240.00 |
| • Superior Special Services
Fond du Lac, WI | \$39,375.40 |

PREVIOUS INSPECTIONS

This project was previously performed in 1995 and 1998 by Sea Brex Marine, Inc. The cost of the work has remained the same with the only increase resulting from the sediment removal. In the 1998 project the sediment removal was an additional charge so it was incorporated into this contract.

RECOMMENDATION

Based on the bids received and our previous experience with the low bidder, it is my recommendation that the Mayor and City Commission endorse and award a contract for the Water Filtration Plant Intake Inspection Project to Sea Brex Marine, Inc. at a cost of \$24,000.00.

Date: 3/26/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, Public Works Supervisor
RE: Dumpbox/Underbody and Tarp system Purchase

SUMMARY OF REQUEST: Approval to purchase one Dumpbox, Underbody Scraper and Tarp System for 2001 Plow Truck (Installed), from Truck and Trailer Specialties for \$18,258.00

FINANCIAL IMPACT: Total Cost \$18,258.00.

BUDGET ACTION REQUIRED: None, Total for Truck and Equipment \$64,240.25 \$70,000.00 is budgeted.

STAFF RECOMMENDATION: Approval to purchase Plow Truck Dump Box, Underbody Scraper and Tarp System from Truck and Trailer Specialties for \$18,258.00

Memorandum

To: Bob Kuhn, Director of Public Works

From: Kelly DeFrench, Public Works Supervisor

Date: 04/02/01

Re: Dump Box, Underbody Scraper and Tarp System Purchase

We have begun the process of replacing one plow truck this year. We have ordered the cab and chassis as approved by City Commission. Next we need to purchase a dump box, underbody scraper and tarp system.

Members of our equipment division have met with me and they have expressed their opinion on the two different types of underbody scrapers we use. Currently we have both Root and Monroe underbody scrapers in our fleet. In the past both the Root and the Monroe Scraper have had structural problems with the hinges and hydraulic cylinders that have resulted in extensive maintenance.

Monroe has made some significant structural improvements with the 3501 model that will help to reduce maintenance costs. In addition to the structural improvements, the hydraulic components on the Monroe scraper are easier to maintain.

Quotes were received for both the Root 8900 and the Monroe 3501 with dump body and tarp system included. Truck and Trailer Specialties was low with a combination including the Monroe scraper at \$18,258.00. Allied Truck Equipment was lowest with a combination including the Root scraper coming in at \$17,753.00. This is a difference of \$505.00. Our equipment division has recommended that we go with the Monroe underbody scraper over the Root scraper. Our estimated maintenance savings with the Monroe Scraper is approximately \$ 600 per year.

We have \$ 24,017.75 available in our 2001 budget to purchase and install a Dump Box, Underbody Scraper and Tarp System.

It is our recommendation to approve the purchase of the Monroe Underbody Scraper, Dump Box, and Tarp System from Truck and Trailer Specialties. This will bring our Plow Truck in service at \$ 5,759.75 under budget, while also substantially reducing future maintenance.

March 20, 2001

Kelly DeFrench
City of Muskegon
Department of Public Works
Subject: Underbody scraper specifications

Sir,

The underbody scrapers that are currently in use by our fleet, which were manufactured by the Monroe Corporation have some features that I prefer that we keep if at all possible. In the 2000 model year we elected to purchase Root scrapers from the low bidder at that time, these Root scrapers, even though they look a lot like the Monroe unit have some major structural differences that I feel you should pay attention to.

The hinge point at the top of the moldboard on the Monroe uses a nearly one half inch thick hinge point at the hanger board, this, on the old style units was a problem, the new revision should take care of the hinges breaking.

One of the problems we have had in the past has always been a driver backing over the blade. On the Root model, they still use a set bolt in the side of the down cylinder, which will rip out the side of the canister if forced at all, where as the Monroe uses a half inch thick plate with a four -bolt flange making the problem a nearly impossible happening.

The table circle for some reason on the Root model is now cut off short on the front side leaving little pressure area for the hanger plates to rest while in the fully angled position.

Plumbing on the Monroe is very much less labor intensive than on the Root.

In conclusion, I feel that the Monroe Scraper has more than proven itself to this city and is much more economical for us to use as our chosen unit.

Thank You

Andrew J. Twork

City of Muskegon

Equipment Division

1 Dump Body / Scraper and Tarp System

			Dump/Scraper
Truck & Trailer Specialties Inc.	\$18,258.00		Crysteel/Monroe
Allied Truck Equipment	\$ 18,389.00		Gallion/Monroe
	\$ 17,753.00		Gallion/Root
Shults Equipment Inc.	\$ 25,037.00		Gallion/Root
This is chassis mount equipment for Plow trucks already approved and purchased.			

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: March 23, 2001
SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

SUMMARY OF REQUEST:

Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc.

Award bid to supply 20AA and 31A bituminous asphalt to Asphalt Paving, Inc.

Award bid to supply polymer modified anionic asphalt emulsion to Koch Materials Company.

Award bid to supply sylvax-patching material to either bidder based on availability.

There are no bids to supply limestone chip blend to DPW. We will purchase based on cost and availability.

Award bid to supply road slag to Verplank Trucking Company.

Award bid to supply concrete to Consumers Concrete. High Grade Concrete does have the lowest bid but due to extra unloading charges Consumers will be cheaper. See attached.

FINANCIAL IMPACT:

\$100,972 based on 2000 usage at 2001 quotes.

BUDGET ACTION REQUIRED:

None; monies appropriated in several budgets.

STAFF RECOMMENDATION:

To award the various materials to the vendors as requested.

COMMITTEE RECOMMENDATION:

Vendor	Minimum load	5 sack mix	6 sack mix	7 sack mix	9 sack mix	Small load charges					Chloride		Winter		Allowed unload time	Extra unload time	Other
						5-6 c yds	4-5 c yds	3-4 c yds	2-3 c yds	1-2 c yds	1% per c yd	2% per c yd	price				
Consumers Concrete	1 c yard	\$63.37	\$67.55	\$71.73	\$80.00	\$20.00	\$30.00	\$40.00	\$50.00	\$60.00	\$1.20	\$2.40	\$1.00 per cubic yard (mix) \$4.00 per cubic yard (hot water)	Nov. thru Apr Dec thru Mar	45 min per load	\$60.00/hr	\$30.00 (split load chrg per load)
High Grade Concrete	1 c yard	\$63.27	\$67.27	\$71.27	\$79.27		\$30.00	\$40.00	\$50.00	\$60.00	\$1.25	\$2.50	\$4.00 per cubic yard (mix) \$1.00 per cubic yard (hot water)	Dec thru Mar Dec thru Mar	10 Min	\$1.00/min	
Port City Redi-mix	5 c yards	\$65.50	\$70.50	\$75.50	\$85.50		\$20.00	\$35.00	\$50.00	\$60.00	\$1.20	\$2.40	\$4.00 per cubic yard (mix) \$1.00 per cubic yard (hot water)	Dec thru Apr Nov. thru Apr			

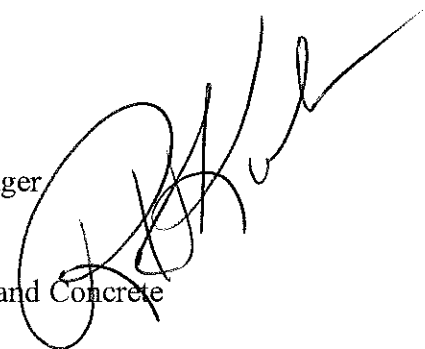
City of Muskegon 2001 Aggregates, Materials & Concrete Bids				
Bid Request	COMPANY	BID	Unit	Deliv/Pick up
500 ton H1 & H2 Limestone Chip Blend			ton	
delivered				
9,000 ton Road Slag 22A Natural	Meekhof's Lakeside Dock Inc.	\$ 9.45	ton	
delivered	Verplank	\$ 8.82	ton	Delivered
500 ton Sylvax	Asphalt Paving, Inc	\$ 59.00	ton	delivered
delivered	Rieth-Riley	\$ 59.00	ton	delivered
200 ton 20AA Bituminous Asphalt	Asphalt Paving, Inc	\$ 35.00	ton	pick up
picked up				
1000 ton 31A Bituminous Asphalt	Asphalt Paving, Inc	\$ 35.00	ton	pick up
picked up				
10,000 gal HFST Asphalt Emulsion	Koch Pavement Solutions	\$ 0.93	gal	pick up
picked up				
45,000 gal 38% Liquid Calc Chloride	Liquid Dustlayer, Inc.	\$ 0.39	gal	spread
spread				
15,000 gal 32% Liquid Calc Chloride	Liquid Dustlayer, Inc.	\$ 0.34	gal	stored
stored				
(a:bids/2001...Spreadsheet)				

UPDATE WITH RECOMMENDED NEW BID PRICE						
Product	Quantity Purchased Since Last Bid	\$ Last Bid	Expense	\$ New Bid	2001 Quantity	At Current Price
Calcium Chloride 38%, gal	51,795	\$ 0.34	\$ 17,610	0.39	32,500	\$ 12,675
Calcium Chloride 32%, gal	13193	\$ 0.28	\$ 3,694	0.34	5,000	\$ 1,700
Bit Asphalt 20AA, ton	203.41	\$ 33.65	\$ 6,845	35	200	\$ 7,000
Bit Asphalt 31A, ton	151.53	\$ 33.65	\$ 5,099	35	1000	\$ 35,000
Asphalt Emulsion, gal	10666.66	\$ 0.99	\$ 10,560	0.93	7,500	\$ 6,975
Sylvax, ton	149.52	\$ 59.00	\$ 8,822	59	500	\$ 29,500
Limestone Chip Blend, ton	418.21	\$ 9.65	\$ 4,036		500	\$ -
Road Slag 22A, ton	5436.37	\$ 8.15	\$ 44,306	8.82	9000	\$ 79,380
			\$ 100,972			\$ 172,230
(a:bid/2001 Spreadsheet)						

UPDATE AFTER COMMISSION ACTION							
City of Muskegon 2000 Aggregates, Materials & Concrete Bids				Commission # 2000-41(k)			
MATERIAL		COMPANY	TELEPHONE	BID			
H1 & H2 Limestone Chip Blend		Stoneco Muskegon Dock	755-4284	500 ton	\$ 9.65	ton	delivered
Road Slag 22A Natural	H-4	Verplank Trucking Co	616-842-1448	9000 ton	\$ 8.15	ton	delivered
Sylvax	H-62	Rieth-Riley Construction	616-676-0446	500 ton	\$ 59.00	ton	delivered
20AA Bituminous Asphalt		Asphalt Paving	733-4256	200 ton	\$ 33.65	ton	pick up
31A Bituminous Asphalt		Asphalt Paving	733-4256	1000 ton	\$ 33.65	ton	pick up
HFST Asphalt Emulsion		Koch Pavement Solutions	616-454-8533	7500 gal	\$ 0.99	gal	pick up GR
38% Liquid Calc Chloride		Liquid Dustlayer	231-723-3750	32500 gal	\$ 0.34	gal	spread
32% Liquid Calc Chloride		Liquid Dustlayer	231-723-3750	5000 gal	\$ 0.28	gal	stored
Concrete		Consumers Concrete	777-3981	see below			
		(photocopied selected concrete bid here)					

Vendor	Minimum load	5 sack mix	6 sack mix	7 sack mix	9 sack mix	Small load charges					Chloride		Winter price		Allowed unload time	Extra unload time	Other
						5-6 c yds	4-5 c yds	3-4 c yds	2-3 c yds	1-2 c yds	1% per c yd	2% per c yd					
Consumers Concrete	1 c yard	\$63.37	\$67.55	\$71.73	\$80.00	\$20.00	\$30.00	\$40.00	\$50.00	\$60.00	\$1.20	\$2.40	\$1.00 per cubic yard (mix) \$4.00 per cubic yard (hot water)	Nov. thru Apr Dec thru Mar	45 min per load	\$60.00/hr	\$30.00 (split load chrg per load)
High Grade Concrete	1 c yard	\$63.27	\$67.27	\$71.27	\$79.27		\$30.00	\$40.00	\$50.00	\$60.00	\$1.25	\$2.50	\$4.00 per cubic yard (mix) \$1.00 per cubic yard (hot water)	Dec thru Mar Dec thru Mar	10 Min	\$1.00/min	
Port City Redi-mix	5 c yards	\$65.50	\$70.50	\$75.50	\$85.50		\$20.00	\$35.00	\$50.00	\$60.00	\$1.20	\$2.40	\$4.00 per cubic yard (mix) \$1.00 per cubic yard (hot water)	Dec thru Apr Nov. thru Apr			

To: The City Commission Through The City Manager
From: Robert H. Kuhn, Public Works Director
Date: March 23, 2001
Subject: Aggregates, Highway Maintenance Materials, and Concrete



The following bids were received as the result of advertisement in *The Chronicle* and solicitation from vendors. It is recommended that the vendor denoted by bold print supply the Department of Public Works with product as needed in 2001. Moneys have been appropriated for these purchases.

32,500 gallons Calcium Chloride 38% (road brine) (\$0.34 in 2000)

Liquid Dustlayer, Inc. \$0.39 per gallon, spread

5,000 gallons Calcium Chloride 32% (winter salting) (\$0.28 in 2000)

Liquid Dustlayer Inc. \$0.34 per gallon, stored

200 ton Bituminous Asphalt 4:12, 20AA MDOT spec (\$33.65 in 2000)

Asphalt Paving, Inc. \$35.00 per ton

1,000 ton Bituminous Asphalt 4:12, 31A MDOT spec (\$33.65 in 2000)

Asphalt Paving, Inc. \$35.00 per ton

7,500 gallons Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion)

8.16.04 MDOT spec (\$0.99 in 2000)

Koch \$0.93 per gallon, pick up Grand Rapids

500 ton Sylva Patching Material, ASTM spec C-136-#9 (\$59.00 in 2000)

Rieth-Riley Construction Co. \$59.00 per ton, delivered

Asphalt Paving, Inc. \$59.00 per ton, delivered

500 ton H1 & H2 Limestone Chip Blend (\$9.65 in 2000)

No bids. Will use various suppliers based on cost and availability.

9,000 ton Road Slag 22-A Natural (\$8.15 in 2000)

Verplank Trucking Co. \$8.82 per ton, delivered

Meekhof's Lakeside Dock \$9.45 per ton, delivered

Concrete mix as needed (7 Sack Mix \$71.73 in 2000)

Consumers Concrete \$71.73 per cubic yard, 7 Sack Mix, delivered

Port City Redi-Mix \$75.50 per cubic yard, 7 Sack Mix, delivered

High Grade Concrete Prod. \$71.27 per cubic yard, 7 Sack Mix, delivered

Purchases on 2000 Bid – Aggregates, Highway Maintenance Materials and Concrete

Calcium Chloride 38% (road brine)

51,795 gal X \$0.34 = \$17,610

Calcium Chloride 32% (winter salting)

13,193 gal X \$0.28 = \$3,694

Bituminous Asphalt 4:12, 20AA MDOT spec

20.41 ton X \$33.65 = \$6,845

Bituminous Asphalt 4:12, 31A MDOT spec

151.53 ton X \$33.65 = \$5,099

Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion) 8.16.04 MDOT spec

10,666.66 gal x \$0.99 = \$10,560

Sylvax Patching Material, ASTM spec C-136-#9

149.52 ton X \$59.00 = \$8,822

H1 & H2 Limestone Chip Blend

418.21 ton X \$9.65 = \$4,036

Road Slag 22-A Natural

5436.37 ton X \$8.15 = \$44,306

Concrete Mix (various densities utilized; 7 Sack Mix predominate)

289 cubic yards X \$69.35 = \$20,042

(a:2000CommLtr)

Date: April 10, 2001

To: Honorable Mayor and City Commissioners

From: Engineering

**RE: City – MDOT Agreement for
M-120 Over the Muskegon River**

SUMMARY OF REQUEST:

To approve the attached contract with MDOT to replace the M-120 Structure over the Muskegon river; together with the necessary related work. And to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

While this is an MDOT project, we are required to participate at the rate of 11.25% as stipulated by Act-51 since the project falls within the City's limits. The City's share is estimated at \$98,700 but not more than 11.25% of eligible cost. The total cost of the project is \$4,407,900.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve attached resolution.

COMMITTEE RECOMMENDATION:

RESOLUTION 2001-36(i)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE STRUCTURE REPLACEMENT ALONG M-120 OVER THE MUSKEGON RIVER AND RELATED WORK AND AUTHORIZATION FOR THE MAYOR, FRED J. NIELSEN, AND CITY CLERK, GAIL A KUNDINGER, TO EXECUTE SAID CONTRACT

Moved by Commissioner Benedict and supported by

Commissioner Sieradzki that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **01-5005** between the Michigan Department of Transportation and the City of Muskegon for the STRUCTURE REPLACEMENT ALONG M-120 OVER THE MUSKEGON RIVER within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **01-5005** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

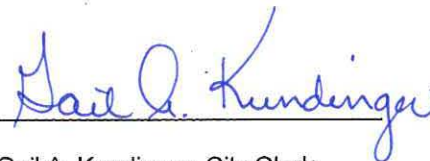
Adopted this 10th day of April, 2001.

BY



Fred J. Nielsen, Mayor

ATTEST



Gail A. Kunding, City Clerk

2001-36(i)

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on April 10, **2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunding

Gail A. Kunding, Clerk

SPECIAL TRUNKLINE
FEDERAL AID PROGRESS PAYMENT
ACT-51 AND ADDED WORK

DAB
Control Section NH 61076
Job Number 48728
Federal Item HH 2751
Federal Project NH 0161 (212)
Contract 01-5005

THIS CONTRACT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to structure improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning structure replacement work along Highway M-120 within the corporate limits of the CITY; and

WHEREAS, the CITY has requested additional work in connection with a portion of the DEPARTMENT'S construction, which additional work in conjunction with the DEPARTMENT'S construction is hereinafter referred to as the "PROJECT" and is further described as follows:

PART A - FEDERAL, STATE, AND LOCAL PARTICIPATION

Replacement of the structure B01 of 61076 which carries Highway M-120 over the Muskegon River; including retaining walls and approach work; together with necessary related work; located within the corporate limits of the CITY.

PART B - LOCAL PARTICIPATION

Street lighting work at the Structure B01 of 61076 which carries Highway M-120 over the Muskegon River; together with necessary related work; located within the corporate limits of the CITY.

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be:

PART A	\$4,399,000
PART B:	\$ 8,900
TOTAL:	\$4,407,900

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The CITY hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of preliminary engineering, plans and specifications; acquisition costs of the property for rights of way, including interest on awards, attorney fees and court costs; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and engineering, legal, appraisal, financing, and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans therefor, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required; therefore, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

6. The CITY will approve the design of the PART B portion of the PROJECT and shall accept full responsibility for the design with respect to the facilities functioning as a part of the CITY'S facilities. Any approvals by the DEPARTMENT are for its own purposes and are not to nor do they relieve the CITY of liability for any claims, causes of action or judgments arising out of the design of the facilities.

7. The PART A portion of the PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PART A and B portions of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

	<u>PART A</u>	<u>PART B</u>
DEPARTMENT -	88.75%	0%
CITY -	11.25%	100%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

	<u>TOTAL</u> <u>ESTIMATED</u> <u>COST</u>	<u>FED</u> <u>AID</u>	<u>BALANCE</u> <u>AFTER</u> <u>FEDERAL AID</u>	<u>DEPT'S</u> <u>SHARE</u>	<u>CITY'S</u> <u>SHARE</u>
PART A	\$4,399,000	\$3,600,600	\$798,400	\$708,600	\$89,800
PART B	\$ 8,900	\$ - 0 -	\$ 8,900	\$ - 0 -	\$ 8,900
TOTAL	\$4,407,900	\$3,600,600	\$807,300	\$708,600	\$98,700

Participation, if any, by the CITY in the acquisition of trunkline right-of-way for PART A of the PROJECT shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made therefore and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the applicable Federal-Aid matching ratio current at the time of acquisition.

The engineering costs will be apportioned in the same ratio as the actual direct construction costs.

8. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

9. The CITY will deposit with the DEPARTMENT the following amount which will be used by the DEPARTMENT for working capital for the contracted work and costs incurred by the DEPARTMENT in connection with the PROJECT:

DEPOSIT -	PART A	\$ - 0 -
	PART B	<u>\$3,600</u>
	TOTAL	\$3,600

The total deposit will be billed to the CITY by the DEPARTMENT and shall be paid by the CITY within thirty (30) days after receipt of bids for the PROJECT.

10. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred less Federal Aid earned as the work on the PROJECT progresses.

11. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

12. Upon completion of construction, the PART B portion of the PROJECT shall be operated and maintained by the CITY at no cost to the DEPARTMENT.

13. With respect to that portion of the PROJECT under the jurisdiction of the CITY:

- A. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the CITY. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the CITY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability control or jurisdiction.
- B. The providing of recommendations or advice by the DEPARTMENT does not relieve the CITY of its exclusive jurisdiction of any CITY highway and responsibility under MCL 691.1402, MSA 3.996(102).

- C. When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.
- D. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any CITY highway for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the CITY

14. The CITY certifies, by execution of this contract, that, upon completion of construction of the PROJECT and at no cost to the PROJECT or the DEPARTMENT, it will properly maintain or provide for the maintenance and operation of the PART B portion of the PROJECT, making ample provisions each year for the performance of such maintenance work as may be required.

15. The CITY, in conformance with Federal Aid Policy Guide (FAPG) Chapter I, Subchapter G, Part 630, Subpart C: Project Agreements, stipulates the following with respect to its specific jurisdiction of the PROJECT:

- A. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
- B. That it agrees to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
- C. That as a condition of Federal aid pursuant to this contract the CITY shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under, or to benefit from this contract, is under consideration to be listed on the EPA List of Violating Facilities.

16. Failure of the CITY to fulfill its responsibilities as outlined herein may disqualify the CITY from future Federal-Aid participation in projects on roads or streets for which it has maintenance responsibility. Federal-aid may be withheld until such time as deficiencies in regulations have been corrected and the improvements constructed as the PROJECT are brought to a condition of maintenance satisfactory to the DEPARTMENT and the FHWA.

17. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

18. In connection with the performance of the PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

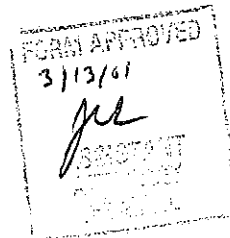
CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By Fred J. Nielsen
Title: Fred J. Nielsen
Mayor

By Gary D. Jantz
Department Director MDOT

By Gail A. Kunding
Title: Gail A. Kunding
City Clerk



APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

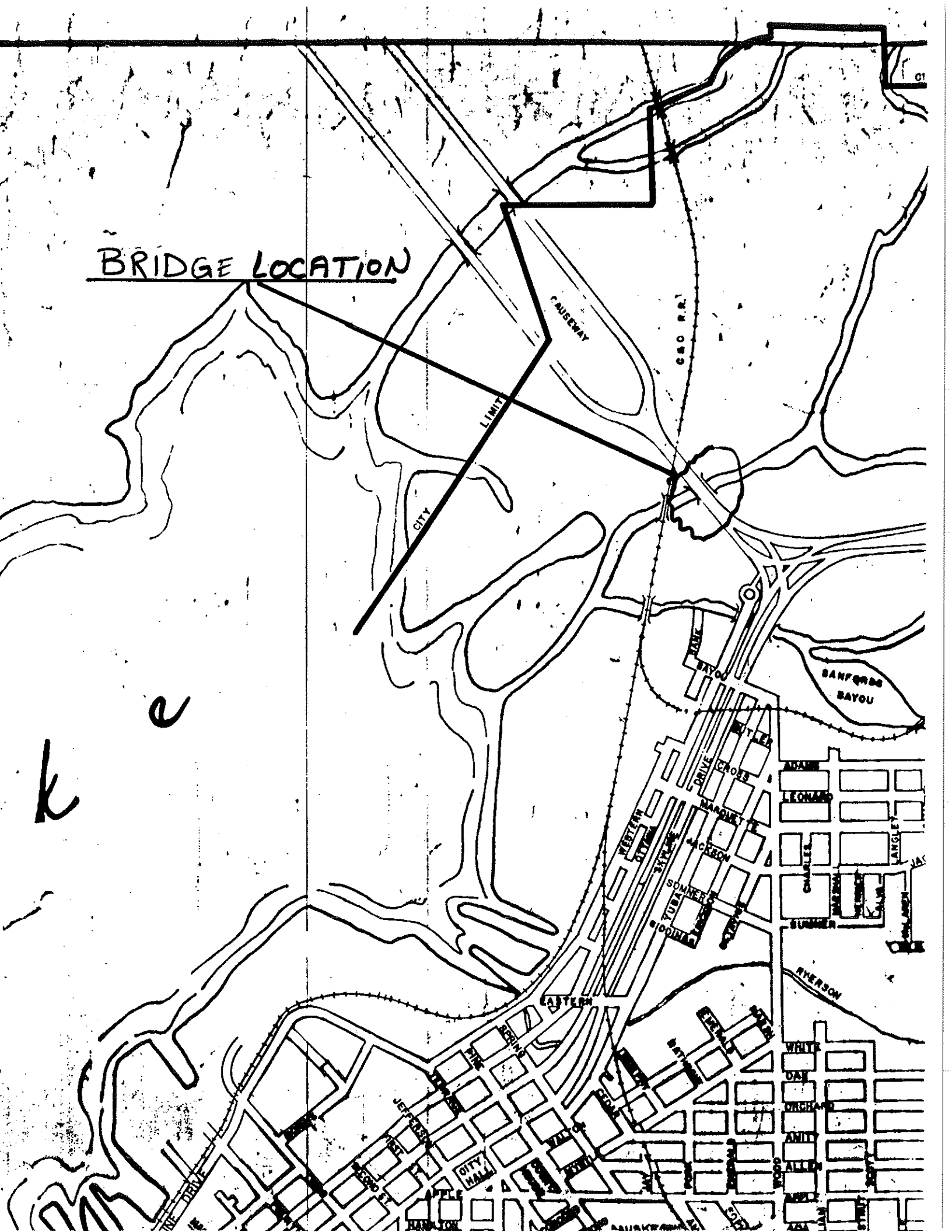
March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

BRIDGE LOCATION



Date: April 10, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Windsor, Henry street to Barclay

SUMMARY OF REQUEST:

To award the contract for the construction of Windsor, including the watermain, from Henry to Barclay to Grant Tower since they were the lowest (see attached bid tabulation) responsible bidder with a bid price of \$257,704.00.

FINANCIAL IMPACT:

The construction cost of \$257,704.00 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None, this project is in the 2001 budget.

STAFF RECOMMENDATION:

Award the contract to Grant Tower.

COMMITTEE RECOMMENDATION:

H-1519/W603 WINDSOR, BARCLAY TO HENRY

BID TABULATION

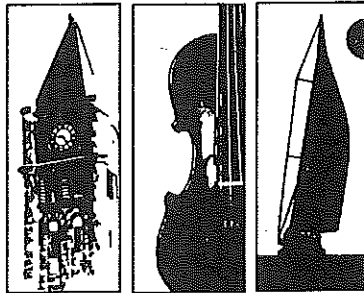
	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		FELCO		GRANT TOWER		DOMRES CONSTRUCTION		LAKESIDE	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	ADJUST MANHOLE CASTING	11	EACH	\$327.00	\$3,597.00	\$400.00	\$4,400.00	\$410.00	\$4,510.00	\$175.00	\$1,925.00	\$350.00	\$3,850.00
2	AGGREGATE BASE AS NEEDED 22A, 6" C.I.P.	25	TON	\$18.25	\$456.25	\$45.00	\$1,125.00	\$14.00	\$350.00	\$35.00	\$875.00	\$15.00	\$375.00
3	AGGREGATE BASE COURSE 22A, 6" C.I.P.	2760	S YD	\$6.50	\$17,940.00	\$6.15	\$16,974.00	\$5.00	\$13,800.00	\$6.50	\$17,940.00	\$5.75	\$15,870.00
4	AGGREGATE PREPARATORY WORK	6	STA.	\$810.00	\$4,860.00	\$900.00	\$5,400.00	\$482.00	\$2,892.00	\$175.00	\$1,050.00	\$1,250.00	\$7,500.00
5	BENDS D.C.I. 8" 45° M.J.	12	EACH	\$245.00	\$2,940.00	\$200.00	\$2,400.00	\$260.00	\$3,120.00	\$265.00	\$3,180.00	\$225.00	\$2,700.00
6	BIT. LEVELING MIX 3B @ 165#/S.Y.	455	TON	\$41.15	\$18,723.25	\$36.00	\$16,380.00	\$40.00	\$18,200.00	\$38.09	\$17,330.95	\$35.10	\$15,970.50
7	BIT. TOP MIX 4C @ 165#/S.Y.	455	TON	\$47.24	\$21,494.20	\$40.00	\$18,200.00	\$45.00	\$20,475.00	\$38.34	\$17,444.70	\$39.30	\$17,881.50
8	CONC. CURB & GUTTER STD. DETAIL 1	2264	LIN. FT.	\$13.17	\$29,816.88	\$8.00	\$18,112.00	\$10.00	\$22,640.00	\$10.00	\$22,640.00	\$8.00	\$18,112.00
9	CATCH BASIN, STANDARD	7	EACH	\$1,318.20	\$9,227.40	\$1,600.00	\$11,200.00	\$840.00	\$5,880.00	\$1,350.00	\$9,450.00	\$900.00	\$6,300.00
10	CATCH BASIN CASTING E. J. #7045 OR EQUAL	7	EACH	\$446.29	\$3,124.03	\$500.00	\$3,500.00	\$540.00	\$3,780.00	\$650.00	\$4,550.00	\$400.00	\$2,800.00
11	CORP. STOP 1" MUELLER #15000	16	EACH	\$254.00	\$4,064.00	\$400.00	\$6,400.00	\$136.00	\$2,176.00	\$100.00	\$1,600.00	\$200.00	\$3,200.00
12	CONCRETE SIDEWALK 6"	830	SQ FT	\$3.68	\$3,054.40	\$3.00	\$2,490.00	\$4.00	\$3,320.00	\$3.75	\$3,112.50	\$3.50	\$2,905.00
13	CONCRETE SIDEWALK 4"	2185	SQ FT	\$2.95	\$6,445.75	\$2.00	\$4,370.00	\$3.00	\$6,555.00	\$2.75	\$6,008.75	\$2.75	\$6,008.75
14	CONCRETE DRIVE APPROACH 6"	190.5	SQ.YD.	\$29.03	\$5,530.22	\$30.00	\$5,715.00	\$30.00	\$5,715.00	\$32.00	\$6,096.00	\$30.00	\$5,715.00
15	CROSS D.C.I. 8"x 8" M.J.	1	EACH	\$460.00	\$460.00	\$500.00	\$500.00	\$320.00	\$320.00	\$600.00	\$600.00	\$400.00	\$400.00
16	CURB STOP 1" MUELLER #15150	2	EACH	\$276.00	\$552.00	\$400.00	\$800.00	\$200.00	\$400.00	\$150.00	\$300.00	\$200.00	\$400.00
17	EXCAVATION	993	C YD	\$9.26	\$9,195.18	\$14.00	\$13,902.00	\$4.00	\$3,972.00	\$7.00	\$6,951.00	\$15.00	\$14,895.00
18	HYDRANT STD. EAST JORDAN	7	EACH	\$732.78	\$5,129.46	\$1,480.00	\$10,360.00	\$1,270.00	\$8,890.00	\$1,750.00	\$12,250.00	\$2,000.00	\$14,000.00
19	MANHOLE STANDARD, 0' TO 10' DEEP, 4' DIAMETER	1	EACH	\$1,650.00	\$1,650.00	\$1,300.00	\$1,300.00	\$1,560.00	\$1,560.00	\$1,750.00	\$1,750.00	\$1,300.00	\$1,300.00
20	MANHOLE CASTING E.J.#1000 OR EQUAL	4	EACH	\$430.00	\$1,720.00	\$375.00	\$1,500.00	\$450.00	\$1,800.00	\$550.00	\$2,200.00	\$300.00	\$1,200.00
21	METER PIT COMPLETE	14	EACH	\$691.67	\$9,683.38	\$700.00	\$9,800.00	\$520.00	\$7,280.00	\$450.00	\$6,300.00	\$750.00	\$10,500.00
22	PERFORATED CORRUGATED POLYETHYLENE 6"	50	L FT	\$25.00	\$1,250.00	\$18.00	\$900.00	\$16.00	\$800.00	\$12.00	\$600.00	\$12.00	\$600.00
23	REBUILD STRUCTURE	2	V FT	\$311.67	\$623.34	\$100.00	\$200.00	\$190.00	\$380.00	\$300.00	\$600.00	\$400.00	\$800.00
24	REDUCER 8" TO 6" D.C.I. M.J.	4	EACH	\$150.00	\$600.00	\$300.00	\$1,200.00	\$260.00	\$1,040.00	\$175.00	\$700.00	\$265.00	\$1,060.00
25	REMOVING BIT. SURFACE	1708	SQ.YD.	\$4.07	\$6,951.56	\$2.00	\$3,416.00	\$1.00	\$1,708.00	\$3.00	\$5,124.00	\$5.00	\$8,540.00
26	REMOVING CONCRETE CURB	225	LIN. FT.	\$8.36	\$1,881.00	\$7.00	\$1,575.00	\$5.00	\$1,125.00	\$1.30	\$292.50	\$5.00	\$1,125.00
27	REMOVING CONC. CURB & GUTTER	74	LIN. FT.	\$9.51	\$703.74	\$11.00	\$814.00	\$5.00	\$370.00	\$2.60	\$192.40	\$5.00	\$370.00
28	REMOVING CONCRETE DRIVE APPROACH	12.5	SQ.YD.	\$9.40	\$117.50	\$20.00	\$250.00	\$4.00	\$50.00	\$10.00	\$125.00	\$12.00	\$150.00
29	REMOVING CONCRETE SIDEWALK	970	SQ FT	\$2.40	\$2,328.00	\$1.25	\$1,212.50	\$1.00	\$970.00	\$2.50	\$2,425.00	\$2.00	\$1,940.00
30	SAND REFILL	2193	C YD	\$5.72	\$12,543.96	\$5.00	\$10,965.00	\$6.00	\$13,158.00	\$4.80	\$10,526.40	\$11.00	\$24,123.00
31	SLEEVES LONG 6" D.C.I. M.J.	4	EACH	\$240.00	\$960.00	\$225.00	\$900.00	\$270.00	\$1,080.00	\$210.00	\$840.00	\$300.00	\$1,200.00
32	SLEEVES LONG 8" D.C.I. M.J.	10	EACH	\$240.00	\$2,400.00	\$240.00	\$2,400.00	\$280.00	\$2,800.00	\$210.00	\$2,100.00	\$350.00	\$3,500.00
33	STORM SEWER PIPE 12" C 76 CLIII	123	LIN. FT.	\$30.39	\$3,737.97	\$25.00	\$3,075.00	\$26.00	\$3,198.00	\$28.00	\$3,444.00	\$25.00	\$3,075.00
34	TEE 8"x 8" x 6" D.C.I. M.J.	5	EACH	\$250.00	\$1,250.00	\$250.00	\$1,250.00	\$334.00	\$1,670.00	\$434.00	\$2,170.00	\$300.00	\$1,500.00
35	TEE 8"x 8" x 8" D.C.I. M.J.	2	EACH	\$300.00	\$600.00	\$260.00	\$520.00	\$350.00	\$700.00	\$434.00	\$868.00	\$350.00	\$700.00
36	TERRACE GRADING	1135	LIN. FT.	\$12.02	\$13,642.70	\$6.00	\$6,810.00	\$7.00	\$7,945.00	\$5.50	\$6,242.50	\$8.00	\$9,080.00
37	TRAFFIC CONTROL	1	LUMP	\$4,000.00	\$4,000.00	\$6,000.00	\$6,000.00	\$4,875.00	\$4,875.00	\$25,900.00	\$25,900.00	\$2,500.00	\$2,500.00
38	TREE REMOVAL 10" TO 20"	1	EACH	\$400.00	\$400.00	\$300.00	\$300.00	\$350.00	\$350.00	\$750.00	\$750.00	\$200.00	\$200.00
39	TREE REMOVAL OVER 30"	3	EACH	\$600.00	\$1,800.00	\$1,100.00	\$3,300.00	\$700.00	\$2,100.00	\$1,200.00	\$3,600.00	\$450.00	\$1,350.00
40	TRENCH REPAIR LOCAL ST. TYPE V	602	LIN. FT.	\$6.50	\$3,913.00	\$10.00	\$6,020.00	\$5.00	\$3,010.00	\$3.40	\$2,046.80	\$10.00	\$6,020.00
41	TRENCH REPAIR SPECIAL	332	LIN. FT.	\$13.77	\$4,571.64	\$40.00	\$13,280.00	\$9.00	\$2,988.00	\$11.40	\$3,784.80	\$30.00	\$9,960.00
42	VALVE 6" GATE M.J. W/BOX	7	EACH	\$523.30	\$3,663.10	\$600.00	\$4,200.00	\$645.00	\$4,515.00	\$700.00	\$4,900.00	\$575.00	\$4,025.00
43	VALVE 8" GATE M.J. W/BOX	6	EACH	\$623.75	\$3,742.50	\$625.00	\$3,750.00	\$785.00	\$4,710.00	\$850.00	\$5,100.00	\$725.00	\$4,350.00
44	WATERMAIN 6" D.C.I. CL. 52	83	LIN. FT.	\$32.12	\$2,665.96	\$39.00	\$3,237.00	\$25.00	\$2,075.00	\$26.35	\$2,187.05	\$25.00	\$2,075.00
45	WATERMAIN 8" D.C.I. CL. 52	1780	LIN. FT.	\$34.37	\$61,178.60	\$39.00	\$69,420.00	\$27.00	\$48,060.00	\$29.25	\$52,065.00	\$28.00	\$49,840.00
46	WATER SERVICE 1" TYPE "K" COPPER	433	LIN. FT.	\$17.25	\$7,469.25	\$18.00	\$7,794.00	\$24.00	\$10,392.00	\$7.50	\$3,247.50	\$14.00	\$6,062.00
	TOTALS				\$302,657.22		\$307,616.50		\$257,704.00		\$283,384.85		\$296,027.75

See Packet for full copy of Booklet

This is Your City of Muskegon

The City of Muskegon is a town with a rich history and strong sense of community. You will find that Muskegon's high quality services, recreational opportunities and spectacular shoreline provide a high quality of life. Part of understanding the community means having to quickly learn about local rules that impact your daily life. This information packet is provided to help you become familiar with our services *and* to be a good neighbor. Remember, quality neighborhoods benefit everyone by keeping our City an attractive, clean and safe place to live and raise families.

MUSKEGON



West Michigan's Shoreline City

Following is information on some of our most common questions--or sources of complaints. Please become familiar with this booklet and call if you have any questions. City Hall is located downtown adjacent to the Police Station and across from the Central Fire Station. Terrace, Apple, Jefferson and Muskegon Avenues bind the block housing City Hall. **For more information** visit City Hall, call any of the City offices listed on the next page, or get online with one of the City of Muskegon's Website addresses:

www.ci.muskegon.mi.us or www.shorelinecity.com

www.muskegonpolice.com will connect you directly with the Police Department

February 9, 2001 (Please discard previous versions)

Any corrections or recommended changes to this booklet?

Please call the Planning Department at 724-6702 or email your comments to brenda.moore@postman.org.

City Hall Offices

Affirmative Action	724-6703	Leisure Services	724-6704
Arson Control	1-800-44-ARSON	Manager's Office	724-6724
Assessing Office	724-6708	Mayor's Office	724-6701
Cemetery	724-6783	Planning, Zoning & Economic Development	724-6702
Civil Service	724-6716	Police	724-6750
Clerk's Office	724-6705	Community Officers	724-6739
Community & Neighborhood Services (housing programs)	724-6717	Silent Observer	722-7463
Engineering	724-6707	Public Works	724-4100
Environmental Inspectors	724-6702	TDD	724-4172
Finance	724-6713	Treasurer	724-6720
Fire Department	724-6792	Water/Sewer Billing	724-6718
Forestry	724-6783	Recycling Pickup	724-6908
Income Tax	724-6770	Waste/Garbage Pickup	724-4100
Inspections Services	724-6715		

Utility Connections:

Water & Sewer service: Provided by the City of Muskegon. You can sign up for water service by FAXing 724-6768 (include identification) or in person at City Hall which is located in downtown Muskegon at 933 Terrace Street. You will need to have a picture ID. If a land contract is involved, you will also need proof of the registered contract.

Electric service: Provided by Consumers Energy (1-800-477-5050)

Gas service: Provided by Michcon (1-800-289-0600).

Telephone service: Provided by Verizon (1-800-483-5600).

Cable: Provided by AT&T Cable Services (733-0818)

City Commissioners

	724-6701		
Mayor Fred Nielsen	At Large	Robert Schweifler	Ward IV
Vice Mayor Scott Sieradzki	Ward I	John Aslakson	At Large
Clara Shepherd	Ward II	Jone Benedict	At Large
Lawrence O. Spataro	Ward III		

GETTING INVOLVED

There are many great ways to get involved with your community such as joining your neighborhood association, coaching, mentoring, volunteering with a human service organization, or serving on a citizen committee or advisory board. Look over our *Muskegon Human Service Resources* brochure or call one of the following to get started:

City Advisory Boards (get an application from the City Manager's Office)	724-6724
HOSTS mentoring (Help One Student to Succeed)	720-2034
Institute for Healing Racism	777-7883
Muskegon Area Chamber of Commerce	722-3751
Volunteer Muskegon! (a clearing house for organizations in need of volunteers)	722-6600
Youth Recreation Programs (City Leisure Services)	724-6704

Property maintenance: Continued maintenance of buildings (roof, paint, siding, porches, etc.) is the responsibility of the property owner. Fences and walls must also be kept in good repair. For information on the property maintenance code, call Inspection Services at 724-6715.

Permits:

- Permits are needed in the City to clear land and construct fences, sheds or pools. Contact the Zoning Administrator at 724-6702.
- Permits are needed to remodel, wire, plumb, change heating or cooling systems or to construct buildings. Contact Inspection Services at 724-6715.
- Permits are needed to change or put in new driveway openings and public sidewalk. Contact the Engineering Department 724-6707.

Parking: Cars may not be parked in the front yard unless on a paved driveway. To keep streets clear for snowplows, City ordinance prohibits parking on all City streets from 2:00 a.m. to 6:00 a.m. from November 15th through April 15th. Vehicles parked on the street during this period may be ticketed and/or towed at the owner's expense. Parking in alleys is not permitted, since a clear path through the alley may be needed for emergency access. To report a vehicle in violation call the Police Department at 724-6750.

Rental Units: Must be licensed and have a certificate of occupancy with the City. Call Inspection Services at 724-6715.

Sidewalks: Sidewalk maintenance and repair is the responsibility of the property owner. Sidewalks are supposed to be shoveled, free of overhanging shrubs or branches and not blocked by vehicles. Of particular concern are uneven sidewalk slabs having a height difference of 3/4 inches or more. These present serious hazards to pedestrians. Sidewalks that are not maintained may be cited and the City may have repair work done with costs being charged to the property owner. Call the Engineering Dept. at 724-6707.

Taxes and Payments:

City Income Tax – Residents (as well as non-residents who work in the City) are required to annually file (by April 30th) a City income tax return. The tax rate for residents is 1% of taxable income. For forms or information, contact the Income Tax Department at 724-6770.

Property Taxes: Property tax bills are sent out each December 1st. The amount of your taxes depends on 1) the taxable value of your property; and 2) the tax rates set by the City, County, Schools and other taxing units that provide services in your area. Questions about the taxable value of your property should be directed to the Muskegon County Equalization Department at 724-6708. *Please Note:* County Equalization has an office in City Hall. Questions about your tax bill should be directed to the City Treasurer's Office at 724-6720.

Payments: All payments for taxes, water and sewer charges, or other City charges may be made in person or by mail at the Treasurer's Office, City Hall, P.O. Box 536, 933 Terrace Street, Muskegon, MI 49443-0536. After hours payments can be made at the drop box located in front of the Police Station (which is in City Hall), 980 Jefferson Street. The City accepts MasterCard, VISA and Discover for all payments *except* taxes.

Miscellaneous

Secretary of State (driver's license, registrations, etc.)
773-8900 (Apple Ave.) 739-8405 (Sherman Ave.)

Muskegon County Convention & Visitor's Bureau: www.visitmuskegon.org

State Dept. of Natural Resources (616)456-5071

Social Security 1-800-772-1213

Internal Revenue 1-800-829-3676

State Senator Leon Stille 894-6177

State Rep. Julie Dennis 755-0896

Parent Line 728-7152

Muskegon Post Office 722-7292

Muskegon Chronicle 722-3161

Poison Control 1-800-764-7661

Neighborhood Watch 724-6750

Hackley Public Library 722-7276

Housing Programs

City of Muskegon Community & Neighborhood Services 724-6717
(housing rehab and other services)

Neighborhood Investment Corporation (home ownership) 727-0809

Trinity Housing Corporation 728-5303

Muskegon Housing Commission 722-2647

(Provides housing for the disabled, elderly, and low-income families; under HUD guidelines)

You may also request any of the following brochures from various City departments for additional information:

- *A Safe Neighborhood is Everyone's Concern* (Police)
- *Abandoned Motor Vehicles* (Police)
- *Are you Ready for a Fire?* (Fire)
- *Automatic Payment Plans for Water & Sewer Bills* (Treasurer)
- *Because Kids Don't Come With Instructions!* (Police)
- *Burn Prevention Tips* (Fire)
- *Citizen Summary Financial Report, Fiscal Year 1999* (Finance)
- *Community Crime Prevention--There's a Lot You Can Do* (Police)
- *Curbside Recycling Schedule* (Dept. of Public Works)
- *Disaster Preparedness for Seniors* (Fire)
- *Falls Prevention* (Fire)
- *Fences in Residential Zones* (Planning)
- *Fire Extinguishers* (Fire)
- *Fire Safety Tips* (Fire)
- *Historic District Building Improvements* (Planning)
- *How Can I Help to get a Neighborhood Watch Started?* (Police)
- *How Your Sidewalk was Chosen for Replacement* (Engineering)
- *How Senior Citizens Can Prevent Crime* (Police)
- *Human Service Resources* (Planning)
- *Important Information Regarding the New Property Tax Laws* (County Treasurer)
- *Keeping Animals in the City* (Planning)
- *Millage Rate Report* (Treasurer)
- *Muskegon Events and Attractions* (Planning)
- *Parking in Residential Zones* (Planning)
- *Pools in Residential Zones* (Planning)
- *Protect Your Kids with Safety Seats* (Police)
- *Preventing Home Fires* (Fire)
- *Purchase of City-owned Residential Property* (Planning)
- *Recreation Programs & Facilities* (Leisure Services)
- *Safe Families, Ready for Anything* (Fire)
- *Services for Seniors; Laws and Programs for Senior Adults* (Planning)
- *Sheds & Garages in Residential Zones* (Planning)
- *Take Steps for Personal Safety* (Police)
- *Tenants and Landlords, a Practical Guide* (Planning)
- *Victim-Witness Services* (Police)
- *Watch out for Rape Drugs* (Police)
- *What are the Specs for Sidewalk Replacement?* (Engineering)
- *Where are My Property Lines?* (Planning)

Low income rental assistance, section 8 -- Housing Commission
Low water pressure -- Department of Public Works
Maps and aerial photos -- Community & Economic Dev.
Mechanical permits -- Inspections
Moving Traffic Violations - Muskegon County Traffic Violations
Neighborhood land use planning -- Community & Economic Dev.
Notary Public -- City Clerk
Ownership information (property)-- Assessor
Paint Program -- Community & Neighborhood Services
Parking tickets, collection -- Treasurer
Parking tickets, complaints -- Police Department
Parks maintenance -- Leisure Services
Payment assistance for sidewalk and street assessments -- Community & Neighborhood Services
Permits (building: remodeling & new) -- Inspection Services
Permits (dances, transient vendors) -- City Clerk
Permits (fence, shed, pool, deck) -- Community & Economic Dev.
Petitions (e.g., nominating, initiative & referendum) -- City Clerk
Picnic shelters/community buildings rental -- Leisure Services
Plumbing permits -- Inspection Services
Pothole and shoulder repair -- Department of Public Works
Property sales and acquisition (City land) -- Community & Economic Dev.
Property values -- Assessor (County Equalization)
Recycling information -- Department of Public Works
Rehab loans (emergency, vinyl, outside paint for homeowners) -- Community & Neigh. Services
Rental unit registration -- Inspection Services
Senior Transit Information -- Department of Public Works
Sewer back-up -- Department of Public Works
Sidewalk permits -- Engineering
Sidewalk plowing (major routes only) -- Leisure Services
Sidewalk replacement permits (public)-- Engineering
Snowplowing and salting -- Department of Public Works
Soil erosion or excavating permits -- Engineering
Special assessments (development)-- Engineering
Special assessments (payments) -- Treasurer
Special Events (on City property) -- Leisure Services
Special use permits -- Community & Economic Dev.
Sports leagues -- Leisure Services
Storm drain repair & cleaning -- Department of Public Works

Street lights out -- Consumer's Energy
Street signs -- Department of Public Works
Street sweeping -- Department of Public Works
Streets grading/dust control -- Department of Public Works
Stump removal (public property) -- Forestry
Summer concert series -- Leisure Services
Tax abatements for industries -- Community & Economic Dev.
Taxes (real/personal/specific) -- Treasurer
Traffic complaints and accident reports -- Police Department
Traffic control devices/barricades -- Department of Public Works
Traffic Counts -- West Michigan Shoreline Regional Development Comm.
Traffic lights/signals -- Department of Public Works
Transportation Service (seniors only) -- Department of Public Works
Tree removal/trimming (on public lands)-- Forestry
Turn-off (water) for repairs -- Department of Public Works
Utility information (water and sewer lines) -- Engineering
Utility payment agreements -- Treasurer
Vacating streets & alleys -- Community & Economic Dev.
Vinyl siding program -- Community & Neighborhood Services
Voter poll training of workers -- City Clerk
Voter registration -- City Clerk
Water & sewer bill non-payment shut-offs & turn-ons -- Water & Sewer Billing
Water & sewer connection permits -- Water & Sewer Billing
Water & sewer service initiation & discontinuation -- Water & Sewer Billing
Water main break -- Department of Public Works
Water meter installation/problems -- Department of Public Works
Water quality -- Water Filtration
Water treatment -- Water Filtration
Water/sewer bills -- Treasurer
Water/sewer main & service locations -- Department of Public Works
Water/sewer service installation -- Department of Public Works
Weapons (permits) -- Police Department
Work within right-of-way, incl. sidewalk & drive approaches Engineering
Yard Waste Collection -- Department of Public Works
Youth recreation programs -- Leisure Services
Zoning ordinance and amendments -- Community & Economic Dev.

Date: March 21, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Sheldon Charter Park

SUMMARY OF REQUEST:

To: accept the Quitclaim deed from Muskegon Public School and to name Sheldon Park a Charter Park.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4405

Clerk

231/724-6705
FAX/724-4178

**Comm. & Neigh.
Services**

231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

Inspection Services

231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4100
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

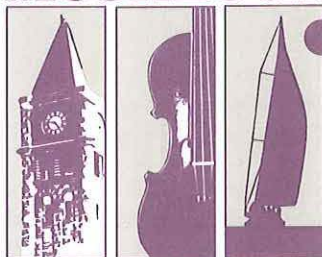
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

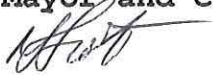
MUSKEGON



West Michigan's Shoreline City

Date: March 21, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Sheldon Charter Park

In researching the Charter Parks, it was discovered that part of Sheldon Park was not deeded over to the City in the early 90's. Attached is a quitclaim deed to the city for the remainder of the property.

I would recommend that we accept the property from the schools and then name Sheldon Park a Charter Park, now that we own all of it.

Thank you for your consideration.

BRITTON & BOSSENBROEK, P.C.

Attorneys

Gary T. Britton
David L. Bossenbroek

900 Third Street
Post Office Box 957
Muskegon, Michigan 49443-0957
(231) 726-6603

Facsimile
(231) 726-6701

March 22, 2001

Mr. Ric Scott
Director
Department of Leisure Services
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Re: Sheldon Park Property

Dear Mr. Scott:

Enclosed are the originals of the Resolution of the Public Schools of the City of Muskegon and the Quit-Claim Deed for the transfer of the Sheldon Park property to the City of Muskegon.

Sincerely,

A handwritten signature in dark ink, appearing to read "David L. Bossenbroek", with a long horizontal flourish extending to the right.

David L. Bossenbroek

DLB:jr

Enclosures

cc: Mr. Gary Privasky



Administrative Services • 349 W. Webster Ave., Muskegon MI 49440 • 231-720-2003 • FAX 720-2050 • TTY 720-2066

Public Schools of the City of Muskegon, Muskegon County, Michigan.

A regular meeting of the Board of Education of the District was held in Room 204 of the Hackley Administration Building, 349 West Webster Avenue, in the District, on March 20, 2001 at 7:00 p.m.

Present: Trustees Ashley, Bruce, Donovan, O'Brien, Poole, Smith, Young

Absent: None

March 20, 2001

Board of Education
Muskegon, Michigan

Board Members:

Your Committee on Buildings and Grounds recommends adoption of the following resolution:

WHEREAS, the City of Muskegon, Michigan ("City") has requested that the Public Schools of the City of Muskegon ("Schools") transfer ownership of the West 326.74 feet of Sheldon Park, which property was inadvertently not conveyed to the City in 1991;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Public Schools of the City of Muskegon find that the subject property is not necessary or needed in any way for school or educational purposes; and

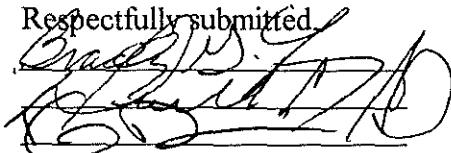
BE IT FURTHER RESOLVED that the Public Schools of the City of Muskegon shall transfer ownership of the entire Out Lot a, Eastgate Addition #1 to the City of Muskegon, Muskegon County, Michigan, except the West 172.86 feet of said Out Lot A; and

BE IT FURTHER RESOLVED that the President and Secretary of the Board of Education of the Public Schools of the City of Muskegon are hereby authorized to execute the

Resolution – page 2

Quit Claim Deed conveying title to the said property from the Public Schools of the City of Muskegon to the City of Muskegon, Michigan.

Respectfully submitted,

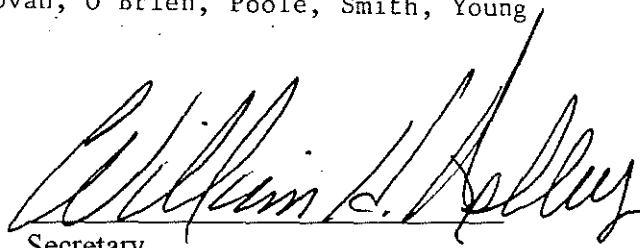


Bradley G. Young, Chairperson
Deborah A. Smith
Kevin J. Donovan
Committee on Buildings and Grounds

Ayes: Trustees Ashley, Bruce, Donovan, O'Brien, Poole, Smith, Young

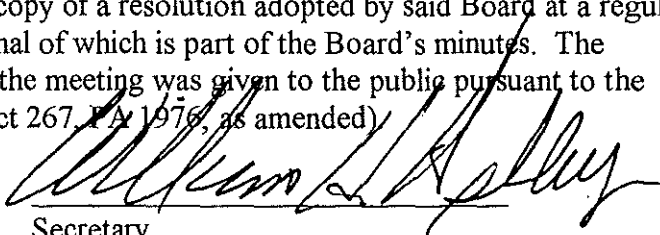
Nays: None

Resolution declared adopted.



Secretary
Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of the Public Schools of the City of Muskegon, Muskegon County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at a regular meeting held on March 20, 2001, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).



Secretary
Board of Education

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

2001 MAY 10 AM 10:22

Mark Fairchild
REGISTER OF DEEDSQUIT-CLAIM DEED

2001-37(d)

KNOW ALL MEN BY THESE PRESENTS: That, the PUBLIC SCHOOLS OF THE CITY OF MUSKEGON, a public school district, of 349 West Webster Avenue, Muskegon, MI 49440, QUIT CLAIMS to the CITY OF MUSKEGON, MICHIGAN, a Michigan municipal corporation, of 993 Terrace, Muskegon, MI 49440, the following-described premises situated in the City of Muskegon, Muskegon County, State of Michigan, to-wit:

Entire Out Lot A, Eastgate Addition #1 to the City of Muskegon, Muskegon County, Michigan, except the West 172.86 feet of said Out Lot A.

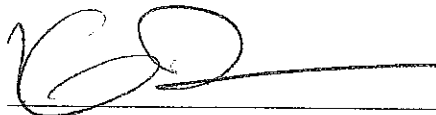
NO STAMPS: This Deed is exempt from real estate transfer tax pursuant to MCL 207.505(5)(h); MCL 207.5226(6)(h)(i), as amended

for the sum of less than \$100.00

Dated this 20th day of March, 2001.

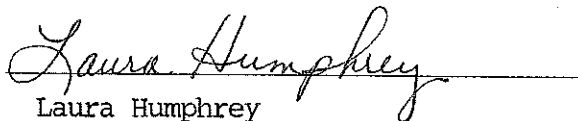
Signed in the presence of:

PUBLIC SCHOOLS OF THE CITY
OF MUSKEGON



Kevin J. Donovan

By Charles E. Poole
Charles W. Poole
President, Board of Education



Laura Humphrey

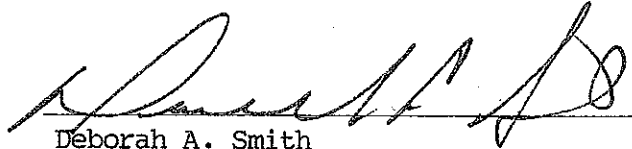
By William H. Ashley
William Ashley
Secretary, Board of Education

STATE OF MICHIGAN)
) SS.
County of Muskegon)

The foregoing instrument was acknowledged before me this 20th day of March, 2001, by ~~POLE~~ Charles E. Poole and William Ashley, to me known to be the President and Secretary of the Board

9.00

of Education of the Public Schools of the City of Muskegon, respectively.



Deborah A. Smith
Notary Public
Muskegon County, Michigan
My Commission Expires: 5/22/03

When Recorded, Return To:
City of Muskegon
993 Terrace
Muskegon, MI 49440

Send Subsequent Tax Bills To:
City of Muskegon
993 Terrace
Muskegon, MI 49440

Prepared by:
David L. Bossenbroek P24289
900 Third St.
P. O. Box 957
Muskegon, MI 49443-0957

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

Resolution No. 2001-37(d)

A Resolution Establishing Sheldon Park as a Charter Park.

Recitals

The City of Muskegon's Charter was amended in 1998 by the addition of Article XX providing for the establishment of charter parks.

The City Commission has examined certain parks located in the City and has determined that the lands involved are owned in fee simple by the City and that they should be preserved as parks. Sheldon Park is one of those parks. Public notice of this proposed action by the City Commission has been given.

For the purpose of preserving the said park, in accordance with the provisions of Article XX of the City Charter and subject to those provisions, the City, by this Resolution, intends to establish Sheldon Park as a charter park. In accordance with the Charter, after recording this Resolution no such park land may be sold, mortgaged, transferred or conveyed by the City, except with the approval of the majority of the electors voting at an election held in the City.

NOW, THEREFORE, the City Commission of the City of Muskegon hereby resolves that the following park, identified by name in this Resolution, is declared by the City Commission of the City of Muskegon to be a charter park. The said land shall be preserved as a park in accordance with the said Charter provisions.

This Resolution may be recorded with the Muskegon County Register of Deeds for the purpose of giving record and public notice of this determination and designation by the City Commission.

The park, known as Sheldon Park, to be deemed a charter park upon recording of this Resolution, and its legal description, follows:

Sheldon Park.

Entire Outlot A of Eastgate Addition No. 1 to the City of Muskegon, as recorded in Liber 8 of Plats, Page 24, Muskegon County, State of Michigan.

IT IS FURTHER RESOLVED, that the designation as a charter park does not require that the name of any such park cannot be changed in the future. The name of the park set forth in this Resolution is for identification and reflects current decisions as to appropriate memorials or acknowledgements.

THIS RESOLUTION ADOPTED

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

NAYS: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

CERTIFICATE

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 10th day of April, 2001, 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 A. Kunderger
Gail A. Kunderger, City Clerk

Date: April 4, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: McGraft Park Caretaker Pay Scale Upgrade

SUMMARY OF REQUEST:

To create a pay scale for the newly created Building Facility Caretaker position, which is an upgrade from the McGraft Caretaker position

FINANCIAL IMPACT:

New rate to be Step 2 Pay scale - \$7 to \$8.50/hr
Old rate was \$5.50 to \$7/hr

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

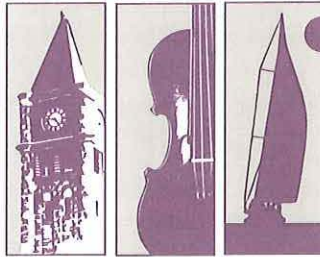
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: April 4, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: McGraft Park Caretaker Pay Scale Upgrade

For years, the Department of Leisure Services has had a McGraft Park Caretaker at every event held at McGraft Park. Basically they showed up to open and close the building and were required to do little else except just keep an eye on things.

We have struggled over the years with having the person do more cleaning of the building and we have struggled with even getting anybody to do it for from \$5.50 to \$7/hr.

In an effort to solve the cleaning problem, we proposed a change in the McGraft Caretaker's job description to require them to do some cleaning of the building. The Civil Service Commission approved the changes and now calls the position a Building Facility Caretaker.

I am asking that you help solve the other problem by moving the position from step I in the Non-union Part-time pay scale to Step 2. The new pay would be from \$7 - \$8.50/hr. I believe the increased duties are reason enough to increase the pay.

Thank you for your consideration.

Date: April 10, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
**RE: Request for an Encroachment Agreement in the
Area of Sherman & McCracken**

SUMMARY OF REQUEST:

Kaydon Corporation has filed the enclosed encroachment agreement form requesting your approval to install three monitoring Wells within the following R-O-Ws;

1. McCracken between Sherman & Letarte
2. Letarte between McCracken & Torrent
3. Torrent between Letarte & Sherman

This agreement would permit Kaydon's representative (Dell Engineering at this time) to sample underground water. See attached map for the proposed Wells location.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

COMMITTEE RECOMMENDATION:

Letter of Transmittal

Dell Engineering, Inc.
A member of the ERM Group

DATE: 9 March 2001

WO NUMBER: W1314.00.01

3352 128th Avenue
Holland, MI 49424-9263
(616) 399-3500
(616) 399-3777 (fax)

TO:

City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, Michigan 49443-0536

ATTENTION:

Mohammed Al-Shatel



WE ARE SENDING YOU:

☒ Attached ☐ Under separate cover via:

COPIES DATE NO. DESCRIPTION

One			Encroachment Agreement & Permit for Monitoring Well Installation
One			Check for \$100 for Permit Processing Fee

THESE ARE TRANSMITTED AS CHECKED BELOW

☐ For approval ☐ Approved as submitted ☐ Resubmit ___ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit ___ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Returned ___ corrected prints
☐ For bids due _____ ☐ (other) _____

REMARKS

Mohammed – On behalf of Kaydon Corporation, attached is the Encroachment Permit application for groundwater monitoring wells in the City right-of-way. Please contact me at 616-738-7341 with any questions.

COPY TO:

Greg Hutchison – Kaydon Corporation
File

SIGNED:


Chad A. Weber, P.E.
Project Engineer

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 10 day of April, 2001, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and KAYDON CORPORATION (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

GROUND WATER MONITORING WELLS

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]

1.) McCracken-BETWEEN SHERMAN & LETARTE; 2.) LETARTE-BETWEEN McCracken & TORRENT; 3.) TORRENT-BETWEEN LETARTE & SHERMAN. (SEE ATTACHED MAP)

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 X constructing, X installing, X maintaining X repairing X performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term herein 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: _____

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of one hundred ~~204~~ Dollars (\$100), such payment to be made upon the signing of this agreement to be dated as of the 10 day of April, ²⁰⁰¹19 , 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, 2006 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 any 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:

See attached conditions.

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:

Debra Atkinson
DEBRA ATKINSON

Shawn T. Hill
Shawn T. Hill

Gary J. Peterson 2/27/01

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen Mayor

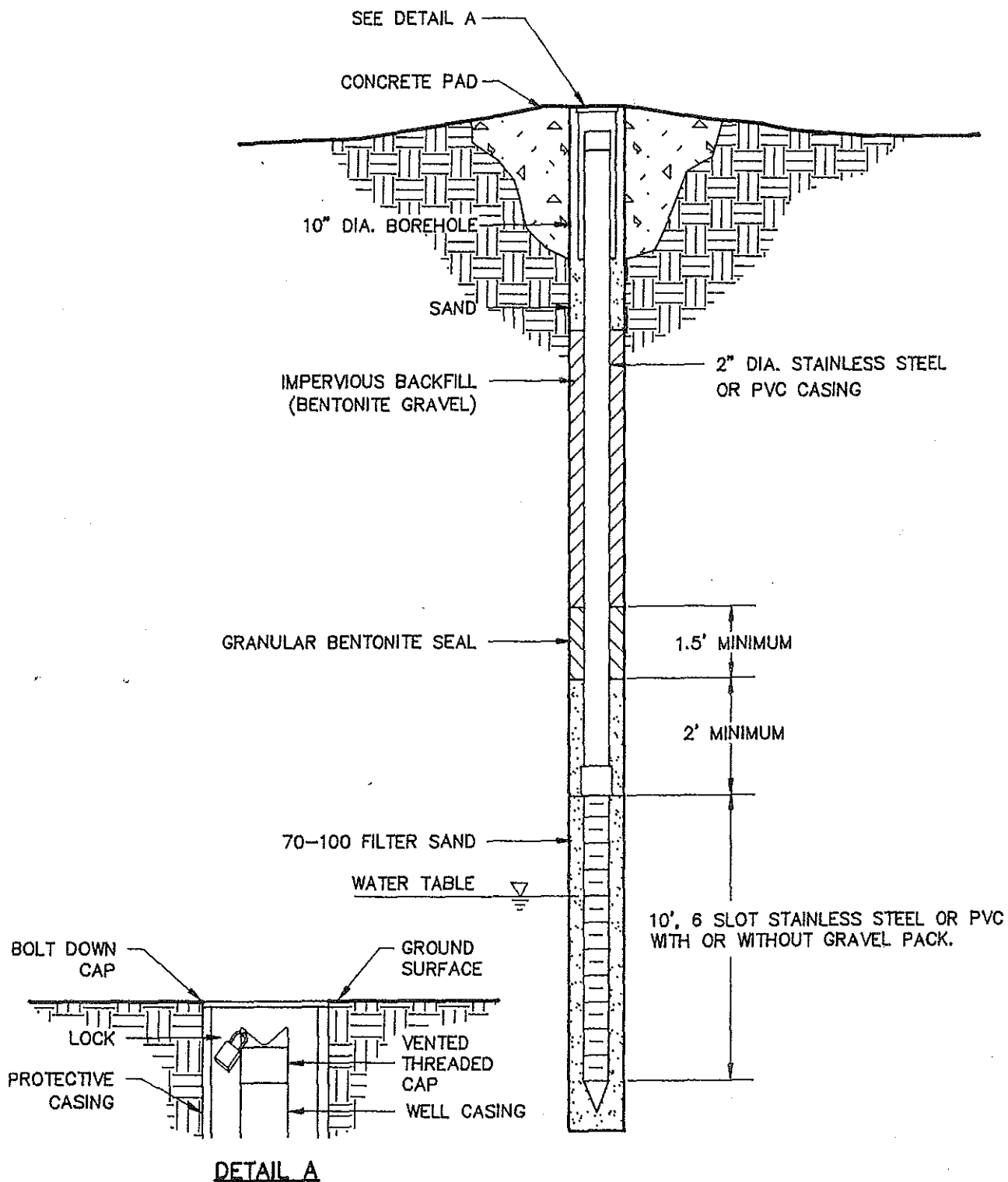
And Gail A. Kundergen
Gail A. Kundergen Clerk

LICENSEE:

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the wells and any relocation that becomes necessary to facilitate other public improvements within the right of way.
- 2- Grantee will be responsible to maintain and upkeep, 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.

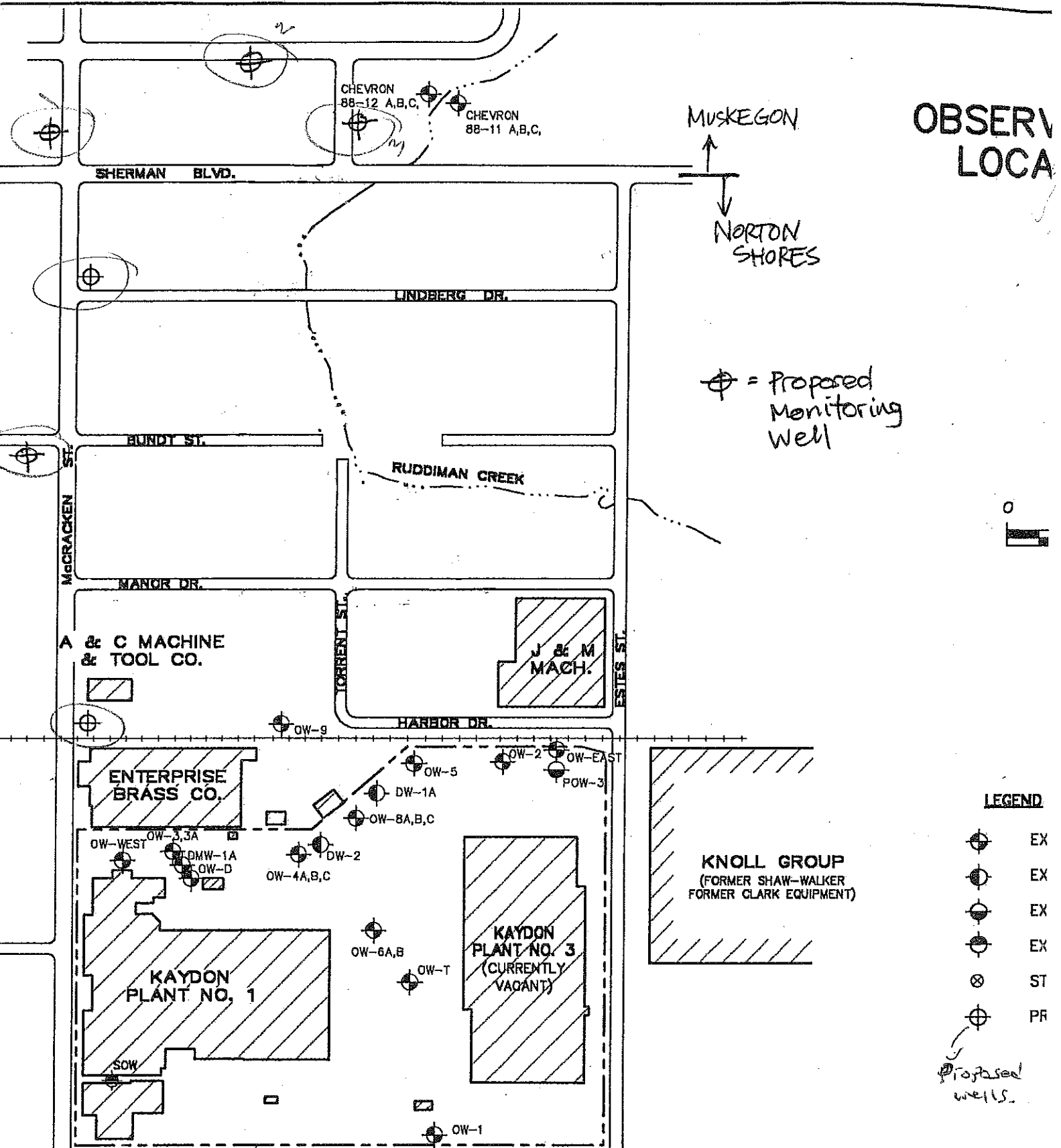
NOTE: THIS LOG SHEET IS FOR INFORMATION PURPOSES ONLY. THE SCALE OF THE PROTOTYPE BLOCK SHOWN MAY HAVE BEEN MODIFIED TO FIT. UNLESS A SCALE IS NOTED THE BLOCK HAS BEEN DRAWN AT 1:1.



TYPICAL MONITORING WELL

NO SCALE

WL 002



OBSERV
LOCA

MUSKEGON
↑
NORTON
SHORES
↓

⊕ = Proposed
Monitoring
Well

LEGEND

- ⊕ EX
- ⊕ EX
- ⊕ EX
- ⊕ EX
- ⊗ ST
- ⊕ PR

Proposed
wells

PROPERTY BOUNDARY

Drawn By
GML
CADD Review
[Signature]
Date Drawn/Rev'd
11/22/00

A member
of the
ERM Group
ERM.

KAYDON CORP
2860 McCracken
NORTON SHORES, MICHIGAN
Dell Engineering, Inc. Engineering &
3352 128th A^v



Environmental Resources Management, Inc.
855 Springdale Drive
Exton, Pennsylvania 19341-2843



023484

CHECK DATE

REFERENCE NUMBER

03/02/01

0023484

AMOUNT

\$*****100.00

PAY: One Hundred & 00/100 Dollars

TO:

CITY OF MUSKEGON
933 TERRACE STREET
MUSKEGON, MI 49443

Paul H. Woodruff
AUTHORIZED SIGNATURE

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

⑈023484⑈ ⑆031101017⑆ 95 000065 3⑈

Date: April 10, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: City – MDOT Agreement for:
Barclay Street, Sherman to Hackley

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the reconstruction of Barclay Street from Sherman to Hackley and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

MDOT participation is about \$366,628 but not to exceed 81.85% of eligible cost. The estimated total (including engineering) cost of the project is \$600,000.

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the Major Street Fund as was budgeted.

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

RESOLUTION 2001-37(1)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RECONSTRUCTION (BITUMINOUS SURFACE, C & G, GRADING, SIDEWALK AND ALL NECESSARY RELATED WORK) ON BARCLAY STREET FROM SHERMAN TO HACKLEY AVE. AND AUTHORIZATION FOR MAYOR, FRED J. NIELSEN, AND CITY CLERK, GAIL A KUNDINGER, TO EXECUTE SAID CONTRACT

Moved by Commissioner Spataro and supported by
Commissioner Aslakson that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **01-5108** between the Michigan Department of Transportation and the City of Muskegon for the **RECONSTRUCTION OF BARCLAY Street between Sherman And Hackley** within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **01-5108** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

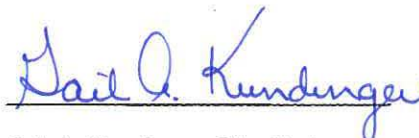
Adopted this 10th day of April, 2001.

BY



Fred J. Nielsen, Mayor

ATTEST



Gail A. Kunderger, City Clerk

2001-37(1)

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on April 10, **2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunderger

Gail A. Kunderger, Clerk

STP

DIR

RECEIVED
CITY OF MUSKEGON

MAR 30 2001

Project	STP 0161(213)
Job Number	50054
Control Section	STUL 61407
Fed Item #	HH 2787
Contract No.	01-5108

ENGINEERING DEPT.

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Muskegon, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated March 22, 2001, attached hereto and made a part hereof:

Bituminous pavement work along Barclay Street from Sherman Boulevard to Hackley Avenue; including earthwork, drainage structures, and curb and gutter work; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection incurred by the DEPARTMENT will be charged 100 percent to the REQUESTING PARTY. Any other costs incurred by the DEPARTMENT as a result of this contract will be at PROJECT COST.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering and inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in part by contributions by the Federal Government. Under the terms of this contract, Federal Surface Transportation Funds shall be applied

to the eligible items of the PROJECT COST at the established Federal participation ratio equal to 81.85 percent up to an amount not to exceed \$366,628. The balance of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds shall be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING

PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rest with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

16. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current standard specifications for construction, and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other party with jurisdiction for the roadway being constructed as the PROJECT, and their employees, for the duration of the PROJECT and to provide copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owners protective liability insurance policy.

- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide copies of notices and reports prepared to those insured.

17. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By

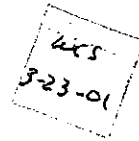
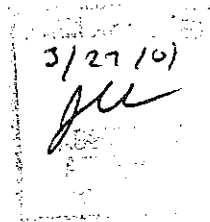
Fred J. Nielsen
Title: Fred J. Nielsen
Mayor

By

Gary D. Snyd
Department Director MDOT

By

Gail A. Kunding
Title: Gail A. Kunding
City Clerk



March 22, 2001

EXHIBIT I

PROJECT STP 0161(213)
JOB NUMBER 50054
CONTROL SECTION STUL 61407

ESTIMATED COST

CONTRACTED WORK

Estimated Cost	\$549,200
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$549,200
Less Federal Funds*	<u>\$366,628</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$182,572

*Federal Funds shall be applied to the eligible items of the PROJECT COST at a participation ratio equal to 81.85 percent up to an amount not to exceed \$366,628.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (23 CFR 140G): Payroll & Related Expense of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods
 - b. FAPG (6012.1): Preliminary Engineering
 - c. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - d. FAPG (23 CFR 635A): Contract Procedures
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 140G): Reimbursement for Employment of Public Employees on Federal-Aid Projects
 - d. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - e. FAPG (23 CFR 635A): Contract Procedures
 - f. FAPG (23 CFR 635B): Force Account Construction
 - g. FAPG (23 CFR 645A): Utility Relocations, Adjustments and

Reimbursement

- h. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - i. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$25,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may

supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant numbers(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year

billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

- A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

- a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

- b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

- c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.
- d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Submitted
@ meeting

copies given to
Commission @ meeting

April 19th 2001

RE: Barclay Road

Barclay is not a private road
that those of us having property
bordering it should pay for
replacements. It is a public road
heavily travelled, and it is the
responsibility of the city to care
for it, etc.

The damage, pet holes, is from
Sherman Blvd to just past the
Social Security Bldg. - beyond
that it is in good shape.

You don't mind paying for
50 chairs at \$489⁰⁰ each at the
Bramstone Restaurant at the airport
but you expect property owners
to pay over \$1,000⁰⁰ for a new road.
Very poor thinking indeed.

Wanda A. Smiech

Date: April 10, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Continuation of Public Hearing
Create Special Assessment District for:
MILLARD AVE., LAKE DUNES DRIVE WEST END

SUMMARY OF REQUEST:

To continue the public hearing on the proposed special assessment of the **Millard from Laked Dunes to West End project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. Per your instruction on March 27th, we have revised the design of the proposed road to reflect a width of 22' back to back. The property owners affected by the proposed assessment have been notified and a drawing showing the revisions was mailed.

Furthermore, It is respectfully requested that if the district is created to award the a contract to Jackson Mekery who was the lowest responsible bidder with a bid price of \$129,888.70

FINANCIAL IMPACT:

Constriction cost plus related engineering cost.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For **Millard from Laked Dunes to West End**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 27, 2001** 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 27, 2001**, there were _____% 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 _____ and _____
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 **44.85%** 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 _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 27, 2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

EXHIBIT A

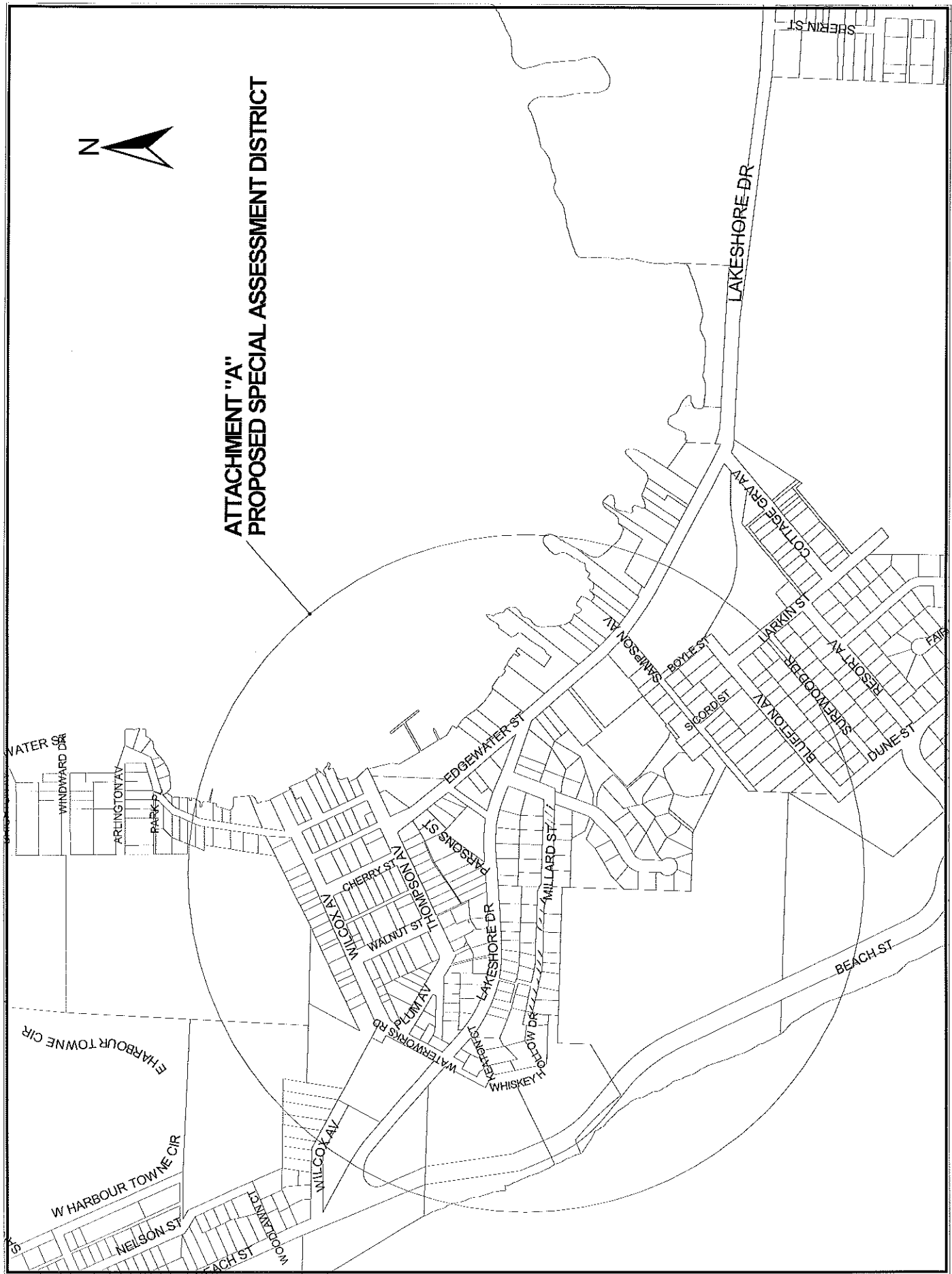
MILLARD FROM LAKED DUNES TO WEST END

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **All properties abutting Millard from Lake Dunes to West End**



ATTACHMENT "A"
PROPOSED SPECIAL ASSESSMENT DISTRICT



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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

March 30, 2001



Dear Property Owner

You are cordially invited to attend the City Commission meeting scheduled for April 10, 2001 at 5:30 in the Commission Chambers to express your opinion on the proposed creation of the special assessment district on Millard from Lake Dunes/Millard to the West End. This meeting is the result of the City Commission action to continue the hearing on the aforementioned date and time.

The continuation of the hearing was to allow staff the time to share with you a revised proposal in an effort to address many of the concerns that you expressed. Therefore, we are proposing the following;

1. Pavement Width;

Unlike our original proposal of 24' and 27' back to back pavement, we are revising our plans to reflect a total width of 22' (including a 2'-rolled curb & gutter) for the entire length of the project. This proposal will have minimal impact on exiting lawns since the existing pavement width is about 20'.

2. Location of the proposed pavement;

Again, unlike our original proposal where we attempted to center the proposed pavement on the centerline of the right of way to give both sides an equal frontage, we revised the plans and instead we are centering the proposed pavement on the centerline of the existing pavement. The proposed pavement will, to extent possible, follow the alignment of the existing pavement.

To assist your understanding of this latest proposal, I am enclosing a copy of that section of the proposed plans that relates to your property (ies). The enclosed drawing depicts the existing pavement (red), the proposed edge of curb (black), the right of way lines (skip black lines) and the measurement between the existing edge of pavement and that of the proposed back of curb.

Since the action that the City Commissioners took last Tuesday was to continue the hearing at their April 10th, 2001 meeting, please be advised that your previously submitted response will be counted as marked unless you change your vote. Furthermore, if you would like to change your vote, we have enclosed a new response card that reflects the revised assessment cost, which is based on a 22' street width. Please use the aforementioned card to express your vote on the revised proposal.

Should you have any questions regarding this project please call me at 724-6707 or stop by our office to review the revised proposal.

Sincerely,

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

Mohammed S. Al-Shatel, P.E.
City Engineer

Encl.

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.

Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:

Parcel Number

MAP Number:

Assessable Frontage:

Estimated Front Foot Cost: \$29.62 ***per Foot, based upon a 22' width***

ESTIMATED TOTAL COST

Property Description

CITY OF MUSKEGON BLUFFTON BAY ESTATES CONDOS MUSKEGON COUNTY CONDOMINIUM PLAN #61 UNIT 31

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 your time to vote on this important issue.

REVISED ASSESSMENT LIST

H-1520

Millard Avenue, Lake Dunes Drive to end.

24-156-000-0031-00	MORGAN DANIEL K/ANN E	ASSESSABLE FEET:	56.14
24-30-34-156-031	3401 LAKE DUNES DR	COST PER FOOT:	\$29.62
@ 3401 LAKE DUNE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,662.87
# 1			

24-592-000-0006-00	BARKEL JOHN/BARBARA	ASSESSABLE FEET:	91
24-30-33-234-033	3224 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3224 MILLARD AV	MUSKEGON MI 49441-1602	ESTIMATED P.O. COST:	\$2,695.42
# 2			

24-592-000-0007-00	OLSEN JOHN B	ASSESSABLE FEET:	80
24-30-33-234-034	3236 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3236 MILLARD AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,369.60
# 3			

24-156-000-0032-00	BLUFFTON BAY ESTATES LLC	ASSESSABLE FEET:	89
24-30-34-156-032	500 TERRACE PLAZA	COST PER FOOT:	\$29.62
@ 3241 MILLARD AV	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$2,636.18
# 4			

24-592-000-0008-00	MORGAN DANIEL K	ASSESSABLE FEET:	80
24-30-33-234-035	3246 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3246 MILLARD AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,369.60
# 5			

24-156-000-0033-00	MILLER BRUCE R/JUDITH A	ASSESSABLE FEET:	85
24-30-34-156-033	3230 ROOSEVELT RD	COST PER FOOT:	\$29.62
@ 3251 MILLARD AV	MUSKEGON MI 49441-3963	ESTIMATED P.O. COST:	\$2,517.70
# 6			

24-592-000-0009-00	LANGLOIS ROBERT/KATHLEEN	ASSESSABLE FEET:	80
24-30-33-234-036	3258 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3258 MILLARD AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,369.60
# 7			

REVISED ASSESSMENT LIST

H-1520

Millard Avenue, Lake Dunes Drive to end.

24-156-000-0034-00	DUTKIEWICZ PATRICK/JANICE	ASSESSABLE FEET:	85
24-30-34-156-034	960 W SHERMAN BLVD	COST PER FOOT:	\$29.62
@ 3261	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,517.70
# 8			

24-156-000-0035-00	BLUFFTON BAY ESTATES LLC	ASSESSABLE FEET:	90
24-30-34-156-035	500 TERRACE PLAZA	COST PER FOOT:	\$29.62
@ 3271	MILLARD AV MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$2,665.80
# 9			

24-506-002-0032-00	ISLEY NOBLE JR	ASSESSABLE FEET:	100.34
24-30-33-234-026	3280 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3280	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,972.07
# 10			

24-506-004-0001-00	HORTON DORIS J TRUST	ASSESSABLE FEET:	158.46
24-30-33-200-029	3291 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3291	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$4,693.59
# 11			

24-506-002-0030-00	LOCKE THOMAS A	ASSESSABLE FEET:	102.1
24-30-33-234-025	3292 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3292	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$3,024.20
# 12			

24-506-002-0034-00	SCHNOTALA RICHARD J	ASSESSABLE FEET:	75
24-30-33-234-027	3303 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3303	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,221.50
# 13			

24-506-004-0003-00	WELLISE JAMES	ASSESSABLE FEET:	100
24-30-33-200-028	3307 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3307	MILLARD AV MUSKEGON MI 49441-0000	ESTIMATED P.O. COST:	\$2,962.00
# 14			

REVISED ASSESSMENT LIST

H-1520

Millard Avenue, Lake Dunes Drive to end.

24-506-002-0028-00	MARS RICHARD A	ASSESSABLE FEET:	100
24-30-33-234-024	3308 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3308	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,962.00

15

24-506-002-0026-00	CRANSTON EARL E	ASSESSABLE FEET:	110
24-30-33-234-023	3336 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3334	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$3,258.20

16

24-506-004-0005-00	YOUNG BRADLEY/CINDY	ASSESSABLE FEET:	110
24-30-33-200-027	3335 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3335	MILLARD AV MUSKEGON MI 49441-0000	ESTIMATED P.O. COST:	\$3,258.20

17

24-506-002-0025-00	CRANSTON EARL J	ASSESSABLE FEET:	72.15
24-30-33-234-022	3336 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3336	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,137.08

18

24-506-002-0024-00	LINE SUSAN	ASSESSABLE FEET:	70.45
24-30-33-234-021	3340 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3340	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,086.73

19

24-506-004-0007-00	PESCH RONALD ET AL	ASSESSABLE FEET:	60
24-30-33-200-026	3351 MILLARD	COST PER FOOT:	\$29.62
@ 3343	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,777.20

20

24-506-004-0008-00	PESCH RONALD D	ASSESSABLE FEET:	46.05
24-30-33-200-025	3351 MILLARD	COST PER FOOT:	\$29.62
@ 3351	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,364.00

21

REVISED ASSESSMENT LIST

H-1520

Millard Avenue, Lake Dunes Drive to end.

24-506-002-0023-00	ASSELMEIER RICHARD D	ASSESSABLE FEET:	76
24-30-33-234-020	3358 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3358	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,251.12

22

24-506-004-0009-00	BURCH JOHN H	ASSESSABLE FEET:	88.87
24-30-33-200-024	3359 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3359	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,632.33

23

24-506-002-0022-00	HANNAHS MICHAEL/NANCY	ASSESSABLE FEET:	50.78
24-30-33-234-019	20 N WARNER	COST PER FOOT:	\$29.62
@ 3372	MILLARD AV FREMONT MI 49412	ESTIMATED P.O. COST:	\$1,504.10

24

24-506-004-0011-00	KOCH CAROLE M	ASSESSABLE FEET:	50.72
24-30-33-200-023	3373 MILLARD AVE	COST PER FOOT:	\$29.62
@ 3373	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,502.33

25

SUM OF ASSESSABLE FOOTAGE:	<u>2107.06</u>	SUM OF ESTIMATED P.O. COST:	<u>\$62,411.12</u>
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% OF TOTAL PROJECT:	39.00694825
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SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

RECEIVED
CITY OF MUSKEGON

To have your vote count, please

APR 10 2001

Return This Card By: April 10, 2001

ENGINEERING DEPT.

Project Title: Millard Avenue, Lake Dunes Drive to end.

Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:	3372	MILLARD AVE
Parcel Number	24-506-002-0022-00	
MAP Number:	24-30-33-234-019	
Assessable Frontage:	50.78	Feet
Estimated Front Foot Cost:	\$29.62	<u>per Foot, based upon a 22' width</u>
ESTIMATED TOTAL COST	\$1,504.10	

Property Description

LAKE MICHIGAN PARK SUB DIV # 1 LOT 22 BLK 2

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>MICHAEL HANNAKS</u>	CoOwner/Spouse	
Signature	<u>Michael Hannaks</u>	Signature	<u>Nancy Hannaks</u>
Address	<u>3372 Millard</u>	Address	<u>3372 Millard</u>

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

HANNAKS MICHAEL NANCY

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: April 10, 2001

RECEIVED
CITY OF MUSKEGON

APR 10 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.

Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:	3373	MILLARD AVE
Parcel Number	24-506-004-0011-00	
MAP Number:	24-30-33-200-023	
Assessable Frontage:	50.72	Feet
Estimated Front Foot Cost:	\$29.62	<u>per Foot, based upon a 22' width</u>
ESTIMATED TOTAL COST	\$1,502.33	

Property Description

LAKE MICHIGAN PARK SUB DIV # 1 COM ON N LINE LOT 10 10 FT E OF NW COR LOT 10 TH W TO NW COR LOT 11 TH S TO SW COR LOT 11 TH E ON S LINE LOT 11 TO A PT 10 FT W OF SE COR LOT 11 TH NLY 122.4 FT TO BEG BLK 4

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Thank you for recording this plan!

Owner

MARIE M. KOCH

CoOwner/Spouse

Signature

(Marie M. Koch)

Signature

Address

1249 Montague

Address

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

for 3373 Millard St

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

RECEIVED
APR 10 2001
City Clerk's Office

To have your vote count, please
Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.
Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address: 3351 MILLARD AVE
Parcel Number 24-506-004-0008-00
MAP Number: 24-30-33-200-025
Assessable Frontage: 46.05 Feet
Estimated Front Foot Cost: \$29.62 per Foot, based upon a 22' width
ESTIMATED TOTAL COST \$1,364.00

Property Description

LAKE MICHIGAN PARK SUB DIV # 1 COM @ NE COR LOT 8 TH WLY ON N LINE OF LOT TO PT 5.6 FT ELY OF NW COR SAID LOT TH SLY TO S LINE LOT 9 7 FT W OF SE COR SAID LOT TH E TO SE COR LOT 8 TH NLY TO BEG BLK 4

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

[Signature]

CoOwner/Spouse

[Signature]

Signature

3351 Millard St

Signature

Address

Same

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

PESCH RONALD E

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please
Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.
Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:	3343	MILLARD AVE
Parcel Number	24-506-004-0007-00	
MAP Number:	24-30-33-200-026	
Assessable Frontage:	60	Feet
Estimated Front Foot Cost:	\$29.62	<u>per Foot, based upon a 22' width</u>
ESTIMATED TOTAL COST	\$1,777.20	

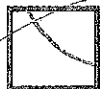
Property Description

LAKE MICHIGAN PARK SUB DIV # 1 LOT 7 BLK 4

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

Donald E. Beal

CoOwner/Spouse

Don M. Beal

Signature

Address

3351 Millard St

Signature

Address

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

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.
Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address: 3359 MILLARD AVE APR 09 2001
Parcel Number 24-506-004-0009-00
MAP Number: 24-30-33-200-024
Assessable Frontage: 88.87 Feet
Estimated Front Foot Cost: \$29.62 per Foot, based upon a 22' width
ESTIMATED TOTAL COST \$2,632.33

Property Description

LAKE MICHIGAN PARK SUB DIV #1 PART OF LOTS 8-9-10 & 11 COMM ON N LINE LOT 8 5 FT ELY OF NW COR SAID LOT TH WLY ON N LINE LOTS 8-9 & 10 TO A PT 10 FT E OF NW COR LOT 10 TH SLY 122.4 FT TO S LINE LOT 11 10 FT W OF SE COR LOT 11 TH E ON S LINE LOTS 9-10 & 11 TO PT 7 FT W OF SE COR LOT 9 TH NLY 106 FT TO BEG BLK 4

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 H. Burch

CoOwner/Spouse

DONNA L. Burch

Signature

John H. Burch

Signature

Donna L. Burch

Address

3359 Millard Ave

Address

3359 Millard Ave

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

BURCH JOHN H

APR 09 2001

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please
Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.
Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:	3261	MILLARD AVE
Parcel Number	24-156-000-0034-00	
MAP Number:	24-30-34-156-034	
Assessable Frontage:	85	Feet
Estimated Front Foot Cost:	\$29.62	<u>per Foot, based upon a 22' width</u>
ESTIMATED TOTAL COST	\$2,517.70	

Property Description

CITY OF MUSKEGON BLUFFTON BAY ESTATES CONDOS MUSKEGON COUNTY CONDOMINIUM PLAN #61 UNIT 34

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>Patrick M Dutkiewicz</u>	CoOwner/Spouse	_____
Signature	<u>Patrick M Dutkiewicz</u>	Signature	_____
Address	<u>3261 MILLARD</u>	Address	_____

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

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: April 10, 2001

RECEIVED
APR 08 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.

Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:	3258	MILLARD AVE
Parcel Number	24-592-000-0009-00	
MAP Number:	24-30-33-234-036	
Assessable Frontage:	80	Feet
Estimated Front Foot Cost:	\$29.62	<u>per Foot, based upon a 22' width</u>
ESTIMATED TOTAL COST	\$2,369.60	

Property Description

LOT 9 MARINERS POINT PART OF GOVT LOT 3 SEC 33 T10N R16W

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 J. Landolt

CoOwner/Spouse

Kathleen A. Landolt

Signature

Robert J. Landolt

Signature

Kathleen A. Landolt

Address

3258 Millard Ave

Address

3258 Millard Ave

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: March 27, 2001

Project Title: Millard Avenue, Millard Avenue to the west end.
Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to 1111' west of the centerline of Millard Avenue/Lake dunes Drive.

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.

Assessment Information

Property Address:	3335	MILLARD AVE
Parcel Number	24-506-004-0005-00	
MAP Number:	24-30-33-200-027	
Assessable Frontage:	110	Feet
Estimated Front Foot Cost:	\$32.31	per Foot
ESTIMATED TOTAL COST	\$3,554.10	

Property Description

LAKE MICHIGAN PARK SUB DIV # 1 LOTS 5 & 6 BLK 4

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

BRADLEY G. Young

CoOwner/Spouse

Cindy Young

Signature

Bradley G. Young

Signature

Cindy G. Young

Address

3335 Millard

Address

3335 Millard

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

Mr. & Mrs. Bradley G. Young
3335 Millard Street
Muskegon, Mi. 49441
April 6, 2001

To: City of Muskegon Commissioners

Subject: Millard Street Project

This correspondence is to inform you that my wife and I did prepare and vote on a response card which was to be returned to the your office before March 27, 2001. I was informed by Ms. Sue Line, 3340 Millard St., that my vote was not received. I did mail the response card to your office well before the March 27th deadline, and do not know what happened to it. We were opposed to the original project, as it would have eaten up much of our frontage, as well as our neighbors on both sides of us.

I am hand delivering this correspondence to make sure that it arrives at your office in time for the April 10th meeting. I am also opposed to the new project, and here are my reasons. According to Ms. Line with the reduction of street size a no parking ban will be placed on one side or the other. And with the curbs going in, residents like myself, that use a small piece of property next to the road edge won't be able to utilize this space, as it is unlawful to drive over the curbs.

(2)

The new proposal shows a street width of 22 feet before curbs. Rain has fallen every season since this road was developed and it has drained quite well without the use of curbs. I feel that there is no need for curbs and that the money for them could be better spent helping each resident that is faced with an assessment. If the curbs go in we are still opposed to the project.

Thank you for your attention, and please reconsider the construction of curbs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bradley G. Young", written in dark ink. The signature is fluid and stylized, with a long horizontal stroke at the end.

Bradley G. Young

ATTACHMENT: A copy of the Response Card for the March 27 vote is attached.

RECEIVED

APR 06 2001

City Clerk's Office

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.

Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address: 3358 MILLARD AVE
Parcel Number 24-506-002-0023-00
MAP Number: 24-30-33-234-020
Assessable Frontage: 76 Feet
Estimated Front Foot Cost: \$29.62 per Foot, based upon a 22' width
ESTIMATED TOTAL COST \$2,251.12

Property Description

LAKE MICHIGAN PARK SUB DIV # 1 LOT 23 BLK 2

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

Richard Asso Gaudin

CoOwner/Spouse

Signature

Signature

Address

Address

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

RECEIVED RICHARD D

SPECIAL ASSESSMENT
REVISED HEARING RESPONSE CARD

APR 05 2001

To have your vote count, please

Return This Card By: April 10, 2001

Project Title: Millard Avenue, Lake Dunes Drive to end.
Project Description: All parcels abutting Millard Avenue from centerline of Lake Dunes Drive to the west end of Millard Avenue.

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.

Assessment Information

Property Address:	3251	MILLARD AVE
Parcel Number	24-156-000-0033-00	
MAP Number:	24-30-34-156-033	
Assessable Frontage:	85	Feet
Estimated Front Foot Cost:	\$29.62	<u>per Foot, based upon a 22' width</u>
ESTIMATED TOTAL COST	\$2,517.70	

Property Description

CITY OF MUSKEGON BLUFFTON BAY ESTATES CONDOS MUSKEGON COUNTY CONDOMINIUM PLAN #61 UNIT 33

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>BRUCE R MILLER</u>	CoOwner/Spouse	<u>JUDITH A MILLER</u>
Signature	<u>B.R.M.</u>	Signature	<u>Judith A. Miller</u>
Address	<u>3251 Millard</u>	Address	<u>3251 Millard</u>

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

MILLER BRUCE R/JUDITH A

Commission Meeting Date: March 27, 2001

Date: March 16, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located at 2572 McCracken

SUMMARY OF REQUEST:

Request to rezone property located at 2572 McCracken St. (between Sherman Blvd. and Letarte Ave.) from R-1, Single-Family Residential and B-1, Limited Business to entirely B-2, Convenience and Comparison Business, or to entirely B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

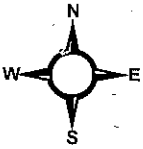
STAFF RECOMMENDATION:

Staff recommends rezoning the entire parcel to B-1, due to compliance with the future land use map and Master Land Use Plan, and to make the zoning consistent for the entire parcel.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended rezoning the entire parcel to B-1 at their 3/15/01 meeting. The vote was unanimous.

**City of Muskegon
Planning Commission
Case #2001-6**

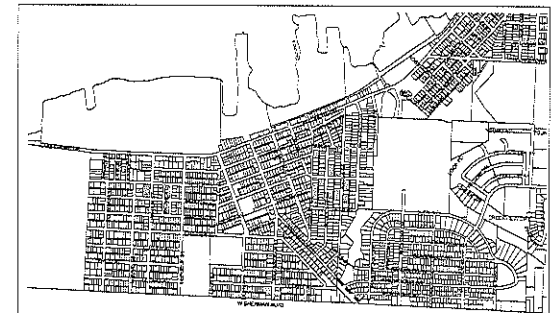


☆ = Subject Property(ies)

○ = Notice Area

R-1 = Single-Family Residential
 RM-1 = Low Density Multiple-Family Residential
 B-1 = Limited Business
 B-2 = Convenience and Comparison Business
 B-4 = General Business
 I-1 = Light Industrial

City of Norton Shores



City of Norton Shores

City of Roosevelt Park

400 0 400 800 Feet

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2045

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," and B-1 "Limited Business" to B-1 "Limited 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" and B-1 "Limited Business", to B-1 "Limited Business":

NEUMANS SUBDIVISION OF BLK 616 LOTS 3 & 4

This ordinance adopted:

Ayes: Schweifler, Shepherd, Spataro, Aslakson

Nays: Nielsen, Sieradzki, Benedict

Adoption Date: 4-10-01

Effective Date: 4-27-01

First Reading: 3-27-01

Second Reading: 4-10-01

CITY OF MUSKEGON

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

Ordinance #2045
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 27th day of March, 2001, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: April 10, 2001.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

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

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

March 15, 2001

Hearing; Case 2001-6: Request to rezone property located at 2572 McCracken from R-1, Single-Family Residential and B-1, Limited Business to B-2, Convenience and Comparison Business or B-1, Limited Business by Malgorzata Litynski.

BACKGROUND

Applicant: Malgorzata Litynski

Address/Location of Subject Property: 2572 McCracken St.

Current Use: Dentist Office

Current Zoning: R-1, Single-Family Residential and B-1, Limited Business

Proposed Zoning: B-2, Convenience and Comparison Business or B-1, Limited Business

STAFF OBSERVATIONS

1. The subject property is located on McCracken St., between Sherman Blvd. and Letarte Ave. The north half of the parcel is currently zoned R-1, and the south half is currently zoned B-1. There is an existing dentist office on the property.
2. The Future Land Use Map shows the subject property to be "Commercial".
3. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to retain the McGraft Park Residential Sub-Area as single-family in orientation... While fostering the above goal, it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts on the sub-area's residential focus.
 - ◆ Commercial development is sporadically located along Sherman Boulevard. Typically, commercial uses are found as small nodes near intersections or as small strip segments within various blocks.
 - ◆ **Sherman Boulevard** - Some of the commercial uses along Sherman have not provided or maintained sufficient buffer protection to fully mitigate unwanted compatibility impacts (e.g., noise, lights, aesthetics, etc.) between said uses and nearby homes. This is not conducive to residential stability.
 - ◆ Sub-Area Issues:

- The presence of commercial development and commercial zoning along Sherman Boulevard (both sides), combined with high rates of traffic (local and transient) will result in additional requests for strip commercial rezonings.
 - Many of the commercial establishments along Lakeshore Drive and Sherman Boulevard lack streetscapes consistent with the residential character of the sub-area.
4. The Master Plan recommends for this sub-area:
 - ◆ Implement zoning (site plan) standards requiring adequate buffer protection between the commercial uses along Lakeshore Drive and Sherman Boulevard and adjacent residential development.
 - ◆ Limit expansion of commercial development (rezonings) along Sherman Boulevard.
 - ◆ Existing commercial districts along Sherman Boulevard, west of Pine Grove Street, should be restricted to the B-1 Zone District Classification. B-1 uses are designed primarily to serve persons residing in adjacent residential areas or neighborhoods.
 5. As the parcel is currently contained in two different zoning districts, staff recognizes a need to make the zoning consistent for the entire parcel. As the existing use on the property is a dentist office, which is consistent with the B-1 zoning, and since half of the property is already zoned B-1, staff has no concerns with rezoning the R-1 portion of the property to a commercial zoning district.
 6. The applicant is asking to have the entire property rezoned to B-2, since the B-1 zoning district restricts all uses to 2500 square feet. The current dentist office meets this requirement, but the applicant is purchasing the building and wishes to expand it in the future. Therefore, she is asking for the B-2 zoning instead of B-1. Please review the B-2 district language for other uses that would be permitted in the B-2 zone.
 7. The adjoining property to the south, on the NE corner of McCracken St. and Sherman Blvd., is zoned B-1 and contains an existing business. The adjoining property to the north is zoned R-1 and contains existing residences.
 8. Across McCracken St. from the subject property there is B-2 zoning, on the NW corner of McCracken St., and Sherman Blvd., and R-1 zoning further north on the block.
 9. Staff has concerns with expanding commercial zoning further into an existing neighborhood. Staff does see the need for consistent zoning for the subject parcel and would support a rezoning for the R-1 portion of the property to B-1. However, staff has concerns with putting a higher intensity commercial zoning deeper into the neighborhood.
 10. Staff has received one phone call, just looking for information about the proposed use on the property. The caller did not leave a name or address.

ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

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

SECTION 400: PRINCIPAL USES PERMITTED

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

1. One Family detached dwellings.
2. Home occupation of a non-industrial nature may be permitted subject to the following...
3. Congregate living facility for not more than two persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED

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

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions...
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...
3. Churches and other facilities normally incidental thereto subject to the following conditions...
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]...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.

8. Uses similar to the above Special Land Uses Permitted.
9. Restricted parking areas subject to provisions of Section 2327.1.

SECTION 402: ONE FAMILY DWELLING REGULATIONS

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION

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

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. 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, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

In a B-1 Limited 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 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. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, 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. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.

5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

The following area, 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 there are no external changes made to the buildings or properties.

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:...
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1003: AREA AND BULK REQUIREMENTS [amended 4/00]

...

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. [amended 8/97]
9. 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.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
11. 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:...
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:...
4. Churches and other facilities normally incidental thereto subject to the following conditions:...
5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions: [amended 9/99]...
6. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
7. Uses similar to the above Special Land Uses Permitted.

8. Self-serve, coin operated, automobile car wash, enclosed in a building.

SECTION 1102: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

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

...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on March 27, 2001, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "Single-Family Residential" and B-1 "Limited Business", to B-1 "Limited Business"

NEUMANS SUBDIVISION OF BLK 616 LOTS 3 & 4

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 17, 2001

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

Date: March 21, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Tall Ships Festival Request

SUMMARY OF REQUEST:

To waive all City service fees in conjunction with the Tall Ships event at Heritage Landing in August

FINANCIAL IMPACT:

Estimated at \$20,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends Approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

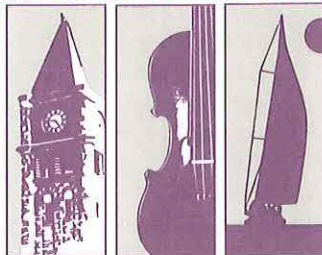
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: March 21, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Tall Ship Festival Request

The Tall Ships Festival will be coming to Heritage Landing from August 9th through 12th. The Festival is asking to waive all fees incurred by the City in conjunction with the event. Service fees include police, fire, DPW and Leisure Services staff for closing roads, event set-up, police security for the beverage tent, and other services provided similar to Summer Celebration. The estimated cost is \$20,000.

The Leisure Services Board approved the request for the event at their March meeting.

Staff would recommend approval of the request. Funds would come from the Special Event fund.

Thank you for your consideration.

Date: April 10, 2001

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Transmittal of 2000 *Comprehensive Annual Financial Report*

SUMMARY OF REQUEST: The City's *2000 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. Should the Commission wish to do so, staff and the independent auditors are prepared to conduct a special work session to focus on the CAFR as well as City finances in general.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2000 and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Acceptance of the 2000 CAFR.

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

Commission Meeting Date: April 10,2001

Date: April 3, 2001

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Approving Cutting Edge Construction as one of
the three contractors for the City's Vinyl Siding
Program**

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to add Cutting Edge Construction of Muskegon as one of the City's contractors to install siding through its housing rehabilitation program

FINANCIAL IMPACT: The contract with Cutting Edge will be the same as with the other two contractors \$75.00 a square and will be taken from CDBG budget.

BUDGET ACTION REQUIRED: None required

STAFF RECOMMENDATION: To approve CNS request.

COMMITTEE RECOMMENDATION: None

(See attachment)

During the November 20, 2000 City Commission meeting your body approved three contractors for the City's vinyl siding installation program. Since that time one of the three approved contractors Cotton Builders has experience some problems that currently disqualify the company from participating in the siding program

Because of the elimination of Cotton Builders the CNS department would like to add the next eligible bidder Cutting Edge to replace the aforementioned contractor.

Commission Meeting Date: November 28, 2000

*Backup info
for approval
of Cutting Edge
Const.*

Date: November 20, 2000
To: Honorable Mayor & City Commission
**From: Community and Neighborhood Services
Department**
**RE: Selection of contractors for Vinyl Siding
Installation for 2001 Program Year**

SUMMARY OF REQUEST: To approve contractors for the City's vinyl siding program. The City of Muskegon solicited bids from area vinyl siding installer for proposals for installation through the City's rehabilitation program. The City received proposals from area contractors. The lowest bid came from Cotton Builders. The next two lowest bids were from Top Notch Builders and Gawlick Constructions. Because of changes in federal guidelines concerning lead-based paint abatement, the number of properties to be painted by the City of Muskegon is predicted to decrease significantly while the number structure receiving vinyl siding is expected to increase significantly.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the following contractors: Cotton Builders, Gawlick Construction and Top Notch Builders as the contractors for vinyl siding installation for 2001 program at a price of \$75.00 a square/\$7,706 (see attached)

COMMITTEE RECOMMENDATION: None

Date: April 3, 2001
To: Honorable Mayor and City Commission
From: Water Filtration Plant
Re: High Service Pump #2 Rebuild

SUMMARY OF REQUEST:

To rebuild High Service Pump #2 (12 million gallon per day) prior to the summer season peak water demand.

FINANCIAL IMPACT:

Cost of the pump rebuild is \$20,100.00.

BUDGET ACTION REQUIRED:

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

STAFF RECOMMENDATION:

To endorse Peerless-Midwest, Inc. as the contractor to rebuild high service pump #2 at a cost of \$20,100.00.

MEMORANDUM

4/2/01

TO: R. KUHN, DPW

FROM: R. VENEKLASSEN, WFP

**RE: HIGH SERVICE PUMP #2 --
12 MILLION GALLON PER DAY (12 MGD)**

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

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

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

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

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

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

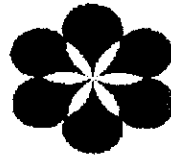
You may recall that Peerless-Midwest rebuilt High Service pumps #1 & 3 in late 1995 and early 1996. We were quite pleased with their performance. Subsequent to that work, they recently rebuilt the booster pump #2 located at the Keating St. station.

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

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

Pricing Estimate

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



Peerless-Midwest, Inc.
505 Apple Tree Dr.
Ionia, Michigan 48846
616 5270050 616 5275508
4-3-01-- Revised
Gerry Burrows, Dist. Mgr.
Pull and Overhaul HS Pump # 2
500 HP Unit

1-231 7244104

1-231 7590192 Fax 1231 7555290

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

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

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

Itemized Estimate			
Crew -Install repaired pump, motor & accessories --- Start up	10	\$135.00	\$1,350.00
Demobilize , cleanup and return	6	\$135.00	\$810.00
Estimated parts - based on 1995 repairs to Unit #1	1	\$4,100.00	\$4,100.00
Rentals : Hydraulic lift	1	\$650.00	\$650.00
Misc. Hardware, paint , rags etc.	1	\$70.00	\$70.00
Per diem - 2 men --two nights (70.00/ man allowed)	4	\$70.00	\$280.00
			\$0.00
Total			\$20,100.00

Note: Insurance above standard limits is not included

Bowling is not included

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

Pump Warranty = 1 year from date of installation/ startup

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

Pump may require new head shaft. --- SS

DATE: April 2, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-47; Address: 1712 Pine Street, Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1712 Pine Street** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-47 – 1712 Pine Street, Muskegon MI

Location and ownership: This single family home is located on Pine Street in the McLaughlin Neighborhood, HUD census # 5. The owner is Shelline White of Muskegon MI.

Staff Correspondence to Owner attachments: Dangerous Building Inspection Report dated 5/10/00. Notice and Order dated 5/12/00. Notice of Hearing for HBA dated 8/4/00. Finding of Facts and Order dated 8/24/00. Minutes dated 8/17/00.

Owner Contact: Ms White's Lawyer, Ms. Enrika McGahan contacted the office and attended the meeting requesting a 60 day extension. Repairs remain incomplete.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$11,000.00

Estimated cost to repair: \$5, 000.00

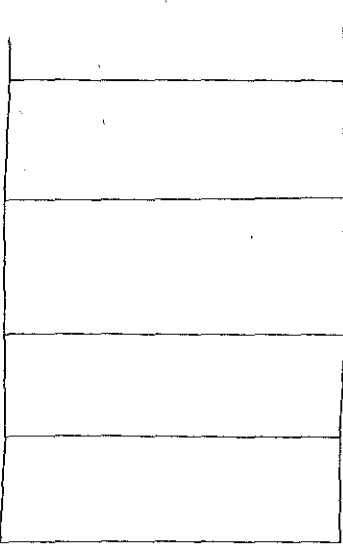
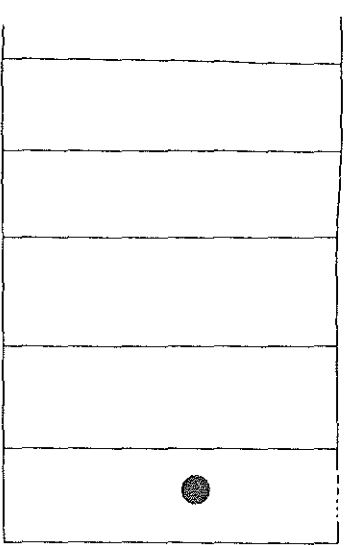
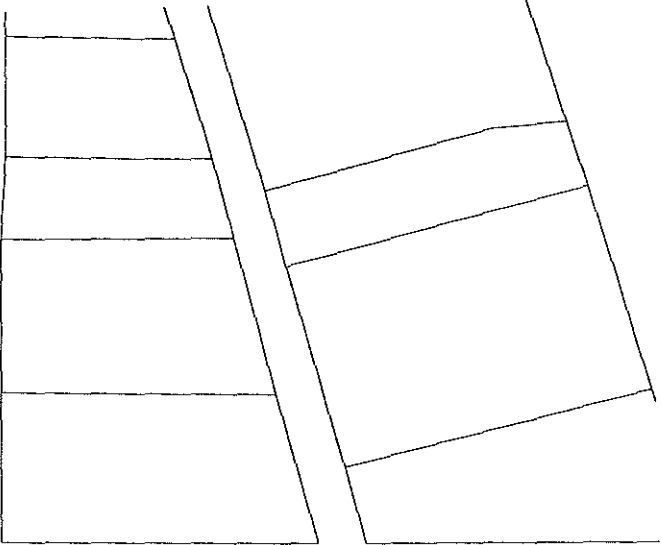
Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 10, 2001.

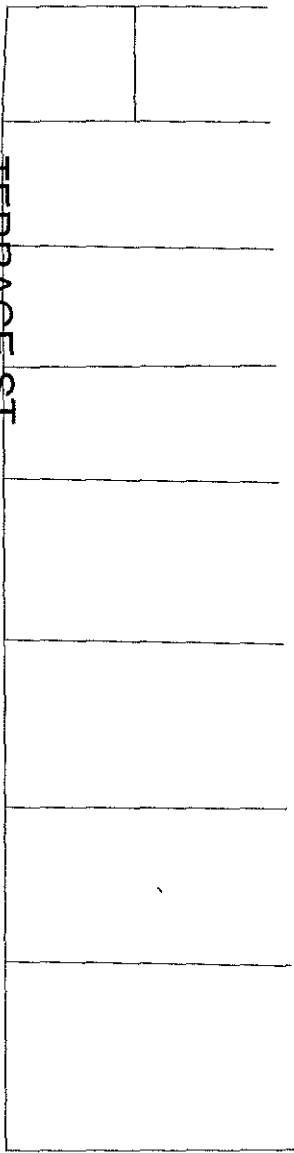
1712 PINE ST.

4-3-01

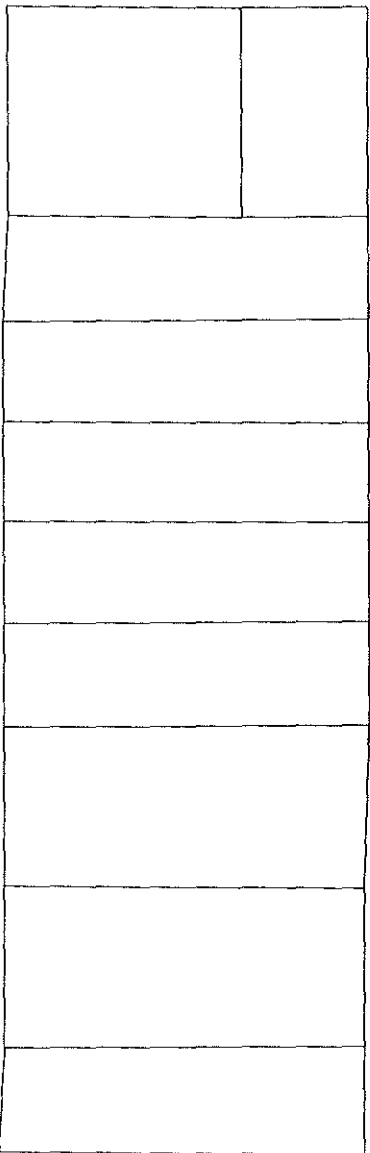




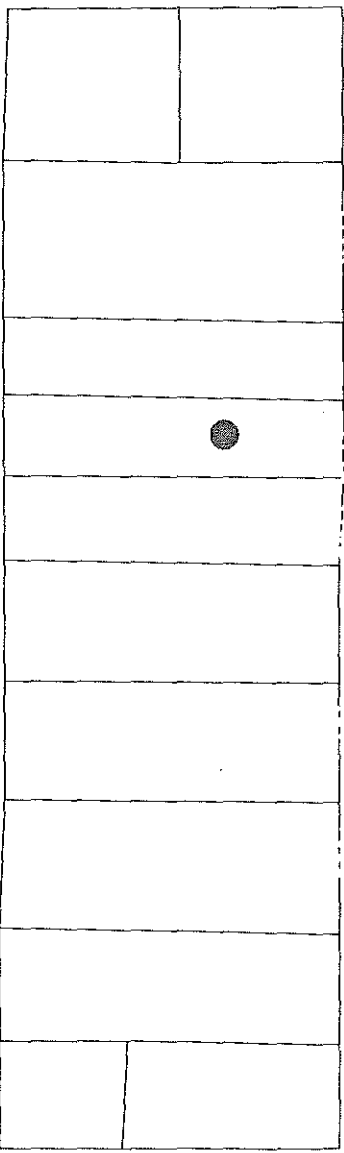
LAKETON AVE



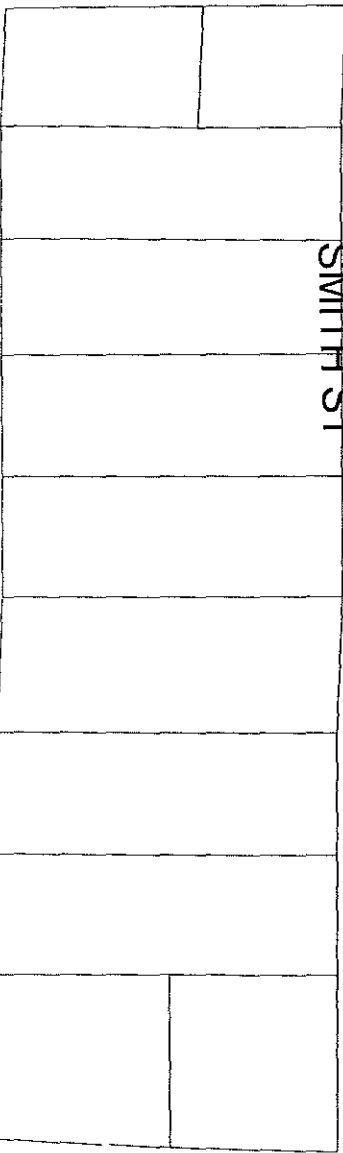
TERRACE ST



PINE ST



SMITH ST



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

Assessor
231-724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

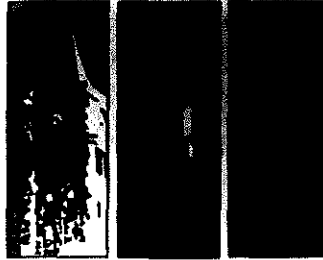
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

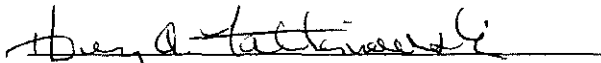
1712 PINE

5/10/00

Inspection Noted:

1. Front porch steps, decking, ceiling in need of repair.
2. Foundation wall in need of repair.
3. Rotted basement window sills and frames.
4. Back door threshold and poor frame cracked.
5. Broken out windows.
6. Soffit and fascia repair needed.

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


Henry Faltinowski, Building Inspector

5/11/2000
Date

CONCURRED IN:


Robert B. Grabinski
Fire Marshal/Inspection Services

5/11/00
Date

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

Assessor
231-724-6708
FAX: 726-5181

Cemetery
231-724-6783
FAX: 726-5617

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

Clerk
231-724-6705
FAX: 724-4178

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

Engineering
231-724-6707
FAX: 727-6904

Finance
231-724-6713
FAX: 724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231-724-6720
FAX: 724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE

NOTICE AND ORDER

May 12, 2000

Shellene K White
1712 Pine Street
Muskegon MI 49442

Dear Property Owner:

Subject: 1712 Pine Street
LOT 9 BLK 297

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski".

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action

616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

August 4, 2000

Shelline K White
1712 Pine St
Muskegon MI 49442

The Money Store
PO BOX 13309
Sacramento CA 95813-3309

Contimortgage Corp
OP Box 900 Ste. 32
Hatboro, PA 19040-0900

Trott & Trott
30150 Telegraph Road, Ste. 100
Bingham Farms, MI 48025

SUBJECT: Dangerous Building Case #: 00-47 – 1712 Pine St., Muskegon MI

Dear Property Owner:

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

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

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

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

**INSPECTION SERVICES
CITY OF MUSKEGON**

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

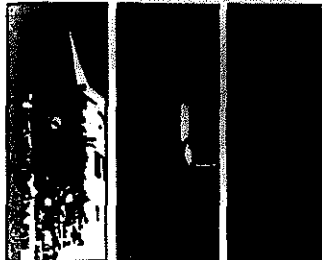
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: August 24, 2000
CASE: #00-47 – 1712 Pine St., Muskegon MI

Shelline K. White
1712 Pine Street
Muskegon MI 49442

FINDING OF FACTS AND ORDER

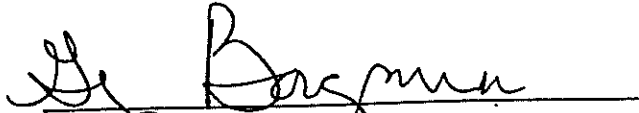
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on , August 17, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Lot 9 Blk 297**, also know as, **1712 Pine St.**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure. **However, there will be a 60 day delay in forwarding this case to the City Commission for concurrence of demolition. If repairs are not complete, this case will be heard at the City Commission meeting in November, 2000.**

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

Staff recommended to declare the building unsafe, substandard, a public nuisance and forward to the City Commission for concurrence.

Greg Borgman, supported by John Warner, made a motion to accept staff's recommendation and declare the structure substandard, unsafe, a public nuisance and forward to the City Commission for concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Fred Neilsen
Randy Mackie
Jerry Bever
Clint Todd

NAYS:

ABSENT:

EXCUSED:

Rev., William Anderson

The motion Carried.

#00-47 – 1712 PINE ST. - SHELLINE WHITE – 1712 PINE ST., Muskegon, MI.

Grabinski informed the board that a lawyer's office called today and stated that the owner is requiring 60 days to complete repairs.

Ms. Erika McGahan, Attorney, attended the meeting representing the property owner. She stated that Mr. Grabinski was correct in the request for 60 days. She informed the Board that the property is going through a redemption period.

Staff recommended to declare substandard, unsafe and a public nuisance, but delay forwarding to the City Commission until the Commission meeting on November 7, 2000.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Fred Neilsen
Randy Mackie
Jerry Bever
Clint Todd

NAYS:

ABSENT:

EXCUSED:

Rev., William Anderson

The motion Carried.

TRANSNATION TITLE INSURANCE COMPANY

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

The City of Muskegon, County of Muskegon and State of Michigan to wit: Lot 9, Block 297, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-297-0009-00

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

CITY OR VILLAGE TAXES

No 1999 Summer taxes.

STATE AND COUNTY TAXES

1998 County taxes due in the amount of \$565.08, plus penalties and interest.

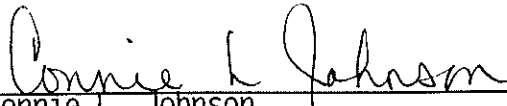
1999 County taxes are due in the amount of \$613.23, plus penalties and interest.

TAX SALES

State Equalized Value \$11,000.00.
Taxable Value \$10,566.00.

NOTE: No Homestead filed.

NOTE: City of Muskegon invoices, infractions and assessments were not checked.

By 
Connie L. Johnson

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

DATE: April 2, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-73; Address: 1750 Pine Street (Garage), Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1750 Pine Street (Garage Only)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-73 – 1750 Pine Street (Garage Only), Muskegon MI

Location and ownership: This garage is located on the property at 1750 Pine Street in McLaughlin Neighborhood, HUD census #5. The owner is Ms. Teresa Woods of Muskegon MI.

Staff Correspondence to Owner attachments: Dangerous building inspection report dated 9/22/00. Notice and Order to Repair dated 10/31/00. Notice of HBA Hearing dated 2/12/01. Order to Demolish dated 3/7/01.

Owner Contact: Ms. Woods contacted the office in early November of 2000. She said she was looking for a contractor to tear the garage down. There has been no change in the condition of the structure and it still stands.

Financial Impact: CDBG

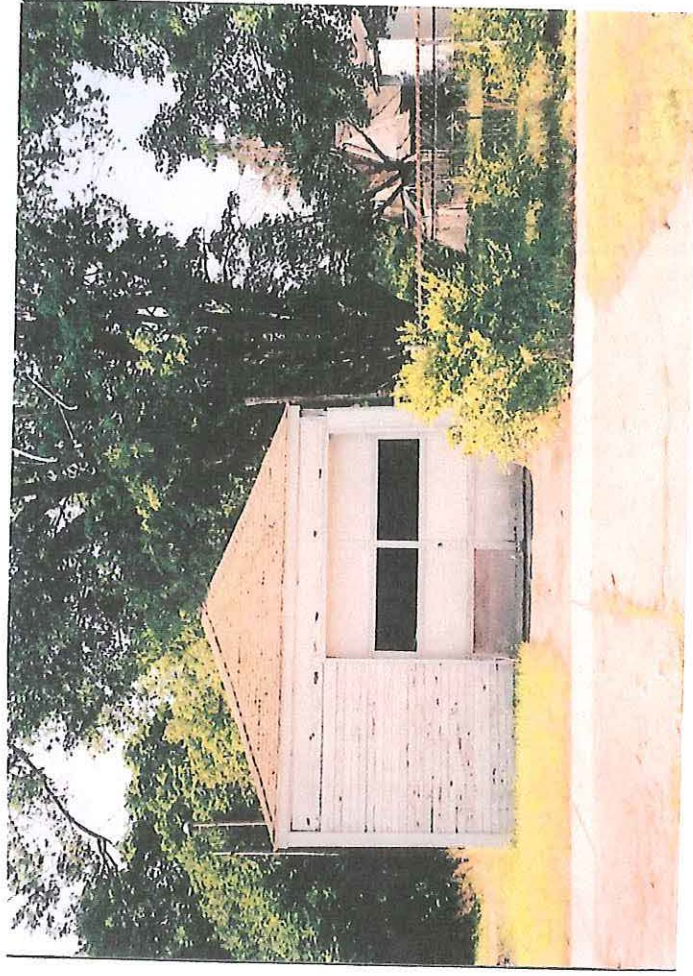
Budget action required: None

State Equalized value: \$12, 400.00

Estimated cost to repair: \$ 3, 000.00

Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 10, 2001.



1750 PINE ST (GARAGE)

7/14/00

Census # 5 (McLaughlin
Neighborhood)



CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

1750 PINE STREET

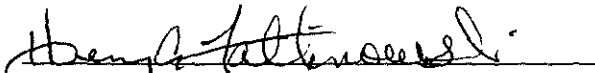
9/22/00

GARAGE

Inspection Noted:

1. Garage roof deteriorated.
2. Sections of siding missing, rotting.
3. Garage door broken. Broken out windows.
4. Entire garage need protection from elements.

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


Henry Faltinowski, Building Inspector

9/22/2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

9-25-2000
Date

CITY OF MUSKEGON

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

DATE: 10/31/00

Address of the Property: 1750 Pine St. (Garage Only), Muskegon, Michigan

Description of the Structure: Lot 1 & N 10 Ft Lot 2 Blk 307

TO: Teresa R. Woods
[Name of Owner]

1750 Pine St., Muskegon MI 49442
[Address of Owner]

The Cit Group/Consumer Finance, Inc.
[Name of Other Interested Party]

39555 Orchard Hill Place, Suite 240, Novi, MI 48375
[Address of Other Interested Party]

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

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

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

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

FAILURE TO COMPLY

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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1750 Pine St. (Garage Only), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(PLEASE SEE ATTACHED INSPECTION REPORT)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Dept.
Position

Dated: 10/31/00

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

NOTICE OF HEARING

Address of the Property: 1750 Pine Street (Garage Only), Muskegon, Michigan

Description of the Structure: Lot 1 & N 10 Feet Lot 2 Block 307

TO: Teresa R. Woods, 1750 Pine Street, Muskegon MI 49442
[Name & Address of Owner]

The Citi Group/Consumer Finance, Inc., 39555 Orchard Hill Place, Ste 240 Novi MI 48375
[Names & Address of Other Interested Parties]

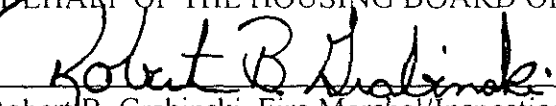
Please take notice that on Thursday, March 1, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m. and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is so that you can discuss a time table to complete all the repairs and/or demolish the structure.

At the hearing on Thursday, March 1, 2001 at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By


Robert B. Grabinski, Fire Marshal/Inspection Services

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

Date: March 7, 2001

To: Teresa R. Woods, 1750 Pine Street, Muskegon MI 49442
Owners Name & Address

Citi Financial Group/Consumer Finance, Inc., 39555 Orchard Hill Place, Ste 240,
Novi, MI 48375
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday March 1, 2000, does hereby order that the following structure(s) located at 1750 Pine Street, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

Garage located on Lot 1 & N 10 Feet of Lot 2 Bock 307, aka 1750 Pine Street, Muskegon MI

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

The director of inspections is ordered to delay for 30 days placing before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:


Robert B. Grabinski, Fire Marshal/Inspections Dept

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
Described as follows:

Lot 1 and the North 10 feet of Lot 2, Block 307, Revised Plat (~~00~~ 1903) of the City of Muskegon, according to the recorded plat thereof in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No.: 61-24-205-307-0001-00

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

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

1999 Winter tax paid in the amount of \$589.67

State Equalized Value \$12,400.00

Taxable Value \$11,077.00

NOTE: No Homestead filed

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

BY



Diane M. Kroll

DATE: September 20, 2000 at 8:00AM

DATE: March 30, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Finding of Facts and Order for 247 Amity.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **247 Amity** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

LOCATION & OWNER: This single family home is located on Amity near Fork Street. The most recent owner is Linda Smith of Gagetown MI. Previously owned by Scott Flaska and Chong Thomas.

A dangerous building inspection was conducted on February 5, 1999. A Notice and Order was sent on February 8, 1999. The Housing Board of Appeals heard the case on April 1, 1999 and determined the structure to be unsafe, substandard and a public nuisance. On December 9, 1999 the case was brought back to the Housing Board of Appeals. The board again found the structure unsafe, substandard and a public nuisance. On February 19, 2001, a fire occurred and an inspection was conducted.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals order to demolish and declare the dwelling at 247 Amity unsafe, substandard and a public nuisance.

STATE EQUALIZED VALUE: \$7, 200.00

ESTIMATED COST OF REPAIRS: \$30, 000.00

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on April 10, 2001.

ANGEL NEIGHBORHOOD
CENSUS # 3

247 AMITY AVE.
2/11/99





TRANSNATION TITLE INSURANCE COMPANY

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

- The West 31 feet of the North 80 feet of Lot 1, Block 209, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 31-20-382-008

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

CITY OR VILLAGE TAXES

No 1999 City taxes.

STATE AND COUNTY TAXES

1998 County tax due in the amount of \$365.57, plus penalties and interest.

SPECIAL ASSESSMENTS

Water usage due in the amount of \$79.33, plus penalties and interest.

TAX SALES

State Equalized Value \$7,200.00.

Taxable Value \$6,728.00.

Tax Code No. 24-0003182.

NOTE: No Homestead filed.

By Connie Johnson
Connie L. Johnson

Date - June 4, 1999 at 8:00 AM

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

DANGEROUS BUILDING REPORT

247 AMITY

2/05/99

1. Foundation has loose block and sags near the front of the building on the west side.
2. Windows are broken.
3. Front steps are not secured to the front of the building.
4. Roofing is missing on the rear of the building.
5. Eaves are rotted.
6. Siding needs paint and is broken in places.
7. Graffiti on house.
8. Entire roof is deteriorated.
9. Rear porch roof is deteriorated and falling in.

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


JERRY MCINTYRE, BUILDING OFFICIAL

DATE

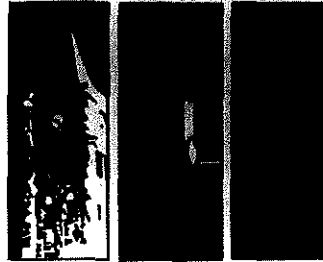
Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

Clerk
616/724-6705

February 8, 1999

C. N. Services
616/724-6717

State of Michigan
Real Estate Division
P. O. Box 30448
Lansing, Mi. 48909

Engineering
616/724-6707

Dear Property Owner:

Finance
616/724-6713

Subject: 247 Amity
W 31 Ft of N 80 Ft Lot 1, Blk 209

Fire Dept.
616/724-6792

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

Income Tax
616/724-6770

Inspections
616/724-6715

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

Leisure Service
616/724-6704

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Manager's Office
616/724-6724

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Mayor's Office
616/724-6701

Sincerely yours,

Planning/Zoning
616/724-6702

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

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

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

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

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

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

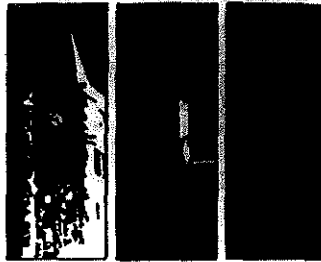
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: April 5, 1999
CASE: #99-10 - 247 Amity

Chong Thomas
272 Amity
Muskegon, Mi. 49442

Scott Flaska
P. O. Box 81
Cedar, Mi. 49621

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the 1st of April 1999.

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as W 31 Ft of n 80 Ft, Lot 1, Block 209 also known as 247 Amity found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order, you must do so within twenty days. You may obtain the appeal form at the City's Neighborhood and Construction Services Department (Inspections), City Hall, 933 Terrace Street.



Greg Borgman, Chairman
HOUSING ADVISORY BOARD OF APPEALS

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

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

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

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

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

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: December 9, 1999

CASE: #99-10 - 247 AMITY

Chong Thomas
272 Amity
Muskegon, Mi. 49442

Linda Smith
6535 Bach
Gagetown, Michigan 48735

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the December 2, 1999

The Neighborhood and Construction Services Department of the City of Muskegon, having **West 31 Feet of the North 80 Feet of Lot 1, Block 209 also known as 247 Amity** inspected the building structure located upon the property described as found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order, you must do so within twenty days. You may obtain the appeal form at the City's Neighborhood and Construction Services Department (Inspections), City Hall, 933 Terrace Street.

A handwritten signature in dark ink, appearing to read "Greg Borgman", is written over a horizontal line.

Greg Borgman, Chairman

HOUSING ADVISORY BOARD OF APPEALS

DANGEROUS BUILDING REPORT

247 AMITY

2/05/99

1. Foundation has loose block and sags near the front of the building on the west side.
2. Windows are broken.
3. Front steps are not secured to the front of the building.
4. Roofing is missing on the rear of the building.
5. Eaves are rotted.
6. Siding needs paint and is broken in places.
7. Graffiti on house.
8. Entire roof is deteriorated.
9. Rear porch roof is deteriorated and falling in.

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

Jerry McIntyre (BB)
JERRY MCINTYRE, BUILDING OFFICIAL

2/5/99
DATE

Clint Todd
Fred Nielsen

The motion carried.

#99-10 - 247 AMITY - SCOTT FLASKA, P.O. BOX 81, CEDAR, MI

Linda Smith and Chong Thomas were in attendance because there was some conflict as who owns property. Linda Smith called the office in Oct. of 99 and stated that she was buying on land contract and ended up with house and is suing for miss representation. Chong Thomas had basically the same situation, but actually has no ties to the house. Motion made by Johnson, supported by Nielsen to support staff recommendation to declare structure at 247 Amity unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert Johnson	None	William Anderson	Greg Borgman
Randy Mackie			
John Warner			
Clint Todd			
Fred Nielsen			

The motion carried.

#99-14 - 573 ORCHARD - CHONG THOMAS, 272 AMITY, MUSKEGON

Chong Thomas was present at meeting, stating that she's working on house. Robert Grabinski stated that this house came to us as a result of a drug raid. Officers along with the fire marshal removed occupants because house was substandard. Mr. Grabinski stated that Ms. Thomas has been in the office and has tried to pull permits (the electrical was denied due to the number of violations that are uncorrected), he recommends that we table for 60 days to give Ms. Thomas chance to pull necessary permits along with a timetable of completion. Johnson made motion, supported by Nielsen to table for 60 days. A roll call vote was taken:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert Johnson	None	William Anderson	Greg Borgman
Randy Mackie			
John Warner			
Clint Todd			
Fred Nielsen			

The motion carried.

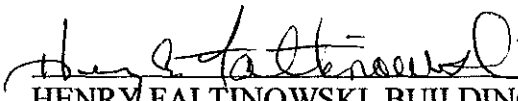
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
FIRE – INTERIOR/EXTERIOR
247 AMITY
2/19/01

Inspection noted:

FIRE AREA:

1. Structural ceiling, wall, floor, rafter damage back bedroom, main floor.
2. Entire roof in need of structural repair – rafters, sheathing, covering, fascia, soffit
3. Siding replacement needed.
4. Foundation wall in basement bowed, needs tuck-pointing, water proofed, sill damage.
5. Roof caving in other areas of home not affected by fire.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

2/27/2001
DATE

DATE: April 2, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-99; Address: 462 White Ave, Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **462 White Ave, Muskegon MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-99 – 462 White Ave, Muskegon MI.

Location and ownership: This single family home is located on White Ave near Wood Street in Angel neighborhood, HUD Census Tracking #3. The owner is Ricki & Sheila Davis of Muskegon MI.

Staff Correspondence attachments: Dangerous building inspection report conducted on 11/28/00. Notice and Order to Repair was sent on 1/03/01. Notice of Hearing for HBA was sent on 2/13/01. HBA Order to demolish was sent on 3/7/01. Meeting minutes for 3/01/01.

Owner Contact: Ricki and Sheila Davis contacted the office on January 19, 2001. They requested not to receive any mail regarding the property at 462 White. They submitted a poor legible copy of a land contract they had with a Mr. Daniel Brown. According to City Records, the Davis's are still the deed holders therefore; this department acknowledges the Davis's as responsible for the property and will continue to send notices to them as well as Mr. Brown. Copy of Land Contract is attached.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$10, 100.00

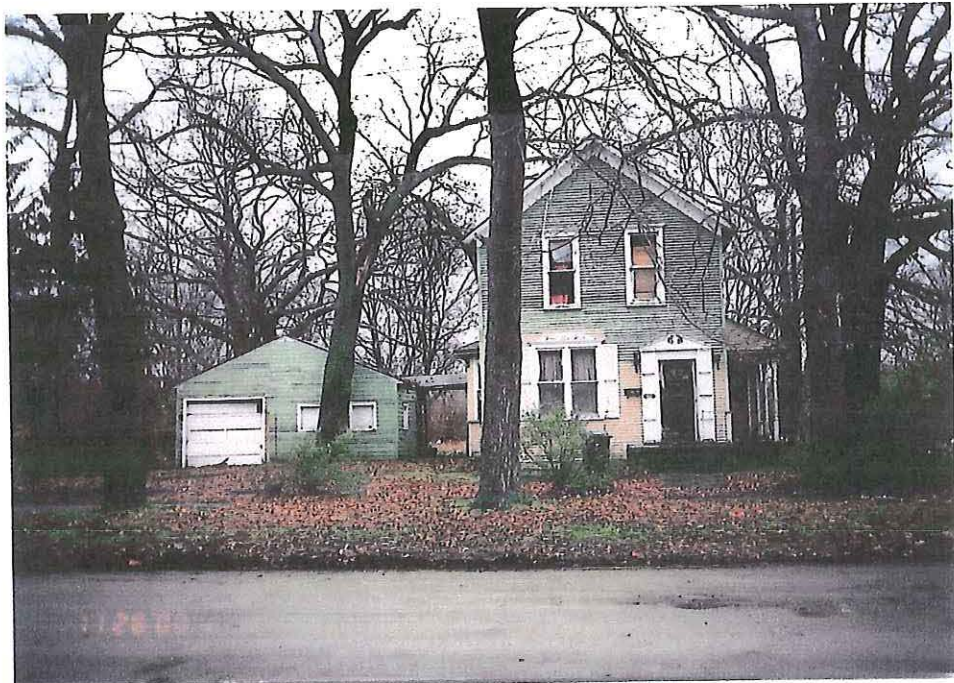
Estimated cost to repair: \$20, 000.00 plus cost of required interior repairs.

Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 10, 2001.

**ANGEL NEIGHBORHOOD
CENSUS # 3**

**462 WHITE
11/28/00**





**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

**462 WHITE
11/28/00**

Inspection Noted:

1. Front porch guard rail and hand rail is missing.
2. Foundation is failing.
3. Windows are broken out.
4. Window sashes are rotted.
5. Chimney's need tuck pointing.
6. Siding Deteriorated.
7. Roof needs replacing.
8. Soffit and fascia rotted.
9. Garage wall is bowed out.
10. Garage roof is failing.
11. Garage is rotted at the grade.
12. Garage doors are missing and damaged.
13. Roof on the house is bowed.
14. Interior inspection is required by the electrical, plumbing, mechanical and building inspectors before any permits or certificate of occupancy will be issued.

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



Don LaBrenz II, Electrical/Building Inspector

29. Nov. 00
Date

CITY OF MUSKEGON

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

DATE: 01/03/01

Address of the Property: 462 White Ave., Muskegon, Michigan

Description of the Structure: Lot 12, Blk 43

TO: Shelia Davis, 914 Fleming St., Muskegon MI 49442

[Name and address of Owner]

None known at this time.

[Names and Addresses of Other Interested Parties]

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

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

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

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

FAILURE TO COMPLY

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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 462 White Ave., Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached dangerous building inspection report.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Cathy Everett
Cathy Everett, Department Secretary

Dated: January 10, 2001

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

NOTICE OF HEARING

Address of the Property: 462 White, Muskegon, Michigan

Description of the Structure: Lot 12, Block 43

TO: Rickie & Shelia Davis, 914 Fleming St., Muskegon MI 49442
[Name & Address of Owner]

Daniel Brown, 462 White Street, Muskegon MI 49442
[Names & Address of Other Interested Parties]

Please take notice that on **Thursday, March 1, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at **5:30 p.m.** and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 1/03/01.

At the hearing on **Thursday, March 1, 2001 at 5:30 p.m.**, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

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

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

Date: March 7, 2001

To: Rickie & Shelia Davis, 914 Fleming Street, Muskegon MI 49442
Owners Name & Address

Daniel Brown, 462 White Street, Muskegon MI 49442
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday March 1, 2000, does hereby order that the following structure(s) located at 462 White, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

All structures located on Lot 12, Block 43

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

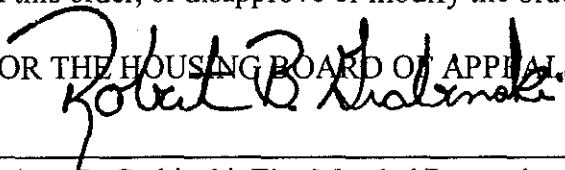
The director of inspections is ordered to delay for 30 days placing before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:


Robert B. Grabinski, Fire Marshal/Inspections Dept

**Case # 00-99 – 462 White, Ricki & Shelia Davis, 914 Fleming Street,
Muskegon MI 49442**

History: Grabinski informed the board that upon receiving the notice and order to repair or remove the structure, the owner's called the office and requested not to receive any more mail concerning the property. They claimed that they were not the owners. They faxed a poor legible copy of a land contract with a Daniel Brown. It was the decision of staff that a land contract does not release the Davis's of ownership and until our office receives a quit claim or warranty deed naming Mr. Brown the owner, staff will still consider the Davis's responsible for the property. There has been no further contact from the owner.

Staff's Recommendation: To declare the structure dangerous, substandard, unsafe, a public nuisance and forward to the city commission for concurrence.

Motion: Jerry Bever, supported by Randy Mackie, made a motion to accept staff's recommendation and declare the structure at 462 White as dangerous, substandard, unsafe, a public nuisance and forward the case to the City Commission for concurrence in demolition of the structure.

Discussion: Nick Kroes informed Staff that he drove by the structure and it was wide open. He requested that staff have it boarded up. Staff said that they are aware that the porch door was open and explained that there is another door inside that lead into the home and that that door is secured.

A roll call vote was taken:

AYE

NAYE:

ABSENT:

EXCUSED:

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

Clint Todd

The motion carried.

There was no new or old business and the meeting adjourned at 6:20 PM.

Rickie Davis and Sheila Davis914 Fleming St. Muskegon, Michigan 49801Daniel Brown (a single man)

, whose address is

462 White St. Muskegon, Michigan 49442

, hereinafter "Buyer".

W I T N E S S E T H :

WHEREAS, Buyer and Seller have entered into a Land Contract of even date herewith;
and,

WHEREAS, the parties desire to enter into this Memorandum of Land Contract to give
record notice of existence of said Land Contract.

NOW THEREFORE, in consideration of the Premises and for other good and valuable
consideration Seller acknowledges and agrees that they have sold to Buyer on the
Land Contract dated April 5th, 1996, the following described prem-
ises situated in the city of Muskegon County of
Muskegon and State of Michigan, to-wit:

Lot12, Block 43, Revised Plat (of 1903)
of the city of Muskegon, As Recorded in
Liber 3 of Plats, Page 71, Muskegon County
Records.

The purpose of this Memorandum of Land Contract is to give
existence of the said Land Contract.

IN WITNESS WHEREOF, the parties hereto have signed this Memorandum of Land Contract and have caused their hands and seals to be affixed hereto the day and date first above written.

Signed, Sealed and Delivered
in Presence of:

Steven L. Black
Steven L. Black

Sheila Davis
Sheila Davis

Daniel S. Brown
Daniel S. Brown

STATE OF MICHIGAN

COUNTY OF MUSKEGON

} ss.

The foregoing instrument was acknowledged before me this 5th day of



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100019087
December 22, 2000

1. Beginning Date: December 14, 1983, at 8:00 A.M.

Please See Attached Liber 1274, Page 374, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to November 17, 2000, at 8:00 A.M.

Deeds:
1274-374

Documents

Mortgages:
None

Taxes:

Civil Infractions are unavailable at this time.

Invoice Charges in the amount of \$274.00, due and payable to the City of Muskegon.(Invoice #'s 9812639, 9815632 and 9817013)

Payment of the delinquent Water usage bill, due and payable to the City of Muskegon Treasurer in the amount of \$2.04.

Payment of the Sidewalk Assessment, due and payable to the City of Muskegon Treasurer in the amount of \$421.00, if paid by December 31, 2000.

Payment of the 1996 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$917.87, if paid by December 31, 2000, or in the amount of \$917.87, if paid by January 31, 2001.

Payment of the 1997 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$743.26, if paid by December 31, 2000, or in the amount of \$751.71, if paid by January 31, 2001.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$677.93, if paid by December 31, 2000, or in the amount of \$683.24, if paid by January 31, 2001.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$622.35, if paid by December 31, 2000, or in the amount of \$627.67, if paid by January 31, 2001.

Payment of the 2000 Winter Taxes, due and payable to the City of Muskegon Treasurer in the amount of \$698.59*, if paid by February 14, 2001.

Note:

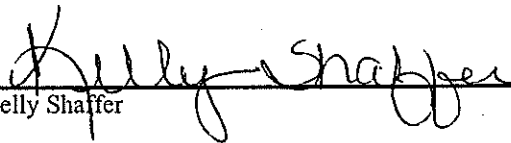
No 2000 Summer Taxes were assessed.
New Permanent Parcel No.: 61-24-205-043-0012-00.
2000 State Equalized Value: \$10,100.00.
2000 Taxable Value: \$8,185.00.
Non-Homestead Property.

*Note: Delinquent Water/Sewer Usage in the amount of \$161.52 was included in the 2000 Winter tax bill, and a Sidewalk Assessment Installment in the amount of \$93.56.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Rickie Davis

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Kelly Shaffer

DATE: April 2, 2001
TO: Honorable Mayor and City Commissioners
FROM: Robert Grabinski, Fire Marshal
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-100; Address: 15 E. Muskegon, Muskegon MI.

Postpone until 4-24-01

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **15 E Muskegon, Muskegon MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-100 – 15 E Muskegon, Muskegon MI

Location and ownership: This single-family rental unit is located on E. Muskegon in the Jackson Hill Neighborhood, HUD census tracking number 2. The owner is Alfonzo Farmer and Jerri Oakes of Muskegon MI.

Staff Correspondence attachments: A dangerous building inspection was conducted on 12/4/00. A Notice and Order to repair was issued on 1/10/01. A Notice of HBA Hearing was sent on February 13, 2001. The Board's issued an Order to Demolish on March 7, 2001. Letter to Mr. Farmer dated 3/21/01.

Owner Contact: Mr. Alfonzo Farmer came to the inspection department with copies of quit claim deeds that were not in the title search. It appears that he is part owner with Jerri Oakes. Mr. Farmer was given until April 4, 2001 to comply with the letter dated 3/21/01. There has been no contact from the owner since then.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$10, 800.00

Estimated cost to repair: \$7, 500.00 plus cost of required interior repairs.

Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 10, 2001.

DATE: March 30, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Finding of Facts and Order for 273 Merrill.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **273 Merrill** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: NONE

LOCATION & OWNER: This single family home is located on Merrill between 4th and 5th Street the structure sits behind the dwelling addressed as 271 Merrill. The owner is Dawn Delapas of Muskegon MI.

HISTORY: This property was reffered as a dangerous building by Roxi Wever, housing inspector after conducting a rental inspection on September 20, 2000. A list of defects is attached. On November 7, 2000 a dangerous building inspection was conducted. A Notice and Order to Repair was sent on 1/10/01. On 1/30/01 the police department requested the structure be boarded.(please see attached report). There was no response from the owner and a notice of hearing was sent on 2/13/01. On 3/1/01, the Housing Board of Appeals declared the structure unsafe, substandard and a public nuisance.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals order to demolish and declare the dwelling at 273 Merrill unsafe, substandard and a public nuisance.

STATE EQUALIZED VALUE: \$ 18,900.00

ESTIMATED COST OF REPAIRS: \$ \$15, 000.00

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on April 10, 2001.



TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
Described as follows:

Lot 5, Block 387, Revised Plat (of 1903) of the City of Muskegon, according to the
recorded plat thereof in Liber 3 of Plats, Page 71, Muskegon County Records

Permanent Property No.: 61-24-205-387-0005-00

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

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

1999 Winter tax due in the amount of \$930.33 if paid by 11-30-00

State Equalized Value \$18,900.00

Taxable Value \$15,216.00

NOTE: Homestead filed

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

BY 
Diane M. Kroll

DATE: November 10, 2000

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

CITY OF MUSKEGON INSPECTION REPORT

November 8, 2000

AT 4:34 p.m.

FOR MERRILL 273

PAGE 1

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3		NOTE: Non owner-occupants must use licensed contractors for most electrical, plumbing or mechanical repair work. Call 724-6758 for more information.
4	A	BATHROOM Lavatory is missing.
5	B	BATHROOM - TOILET Toilet is tilted.
6	B	BATHROOM - TUB Tub surround is loose.
7	B	BATHROOM - TUB Floor covering has holes, rips or is missing or is not sealed on edges.
8	B	BATHROOM - TUB Tub surround needs caulking.
9	B	BATHROOM - TUB Anti-siphon ballcock is short--needs to be tall enough to give 1" between bottom of ballcock and overflow tube.
10	B	BATHROOM - TUB Wall or walls has a hole or holes or large cracks in it.
11		CELLAR No entry: Will inspect at reinspection
12	A	CELLAR Furnace needs an inspection by a mechanical contractor and must be certified safe.
13		CELLAR No entry to crawl space.
14	A	CRAWL SPACE OVER KITCHEN Roof rafters are split and need additional support.
15	B	DINING ROOM Floor covering has holes, rips or is missing or is not sealed on edges.
16	A	DINING ROOM Window has broken or cracked glass.
17	B	DINING ROOM Warm air register(s) is/are broken or missing.
18		EXTERIOR Roof is totally deteriorated - must be replaced.
19	A	EXTERIOR - CELLAR Window has broken or cracked glass.
20	A	EXTERIOR - FRONT Window has broken or cracked glass.
21	A	EXTERIOR - FRONT

CITY OF MUSKEGON INSPECTION REPORT

November 8, 2000

AT 4:34 p.m.

FOR MERRILL 273

PAGE 2

No	Cat	Violation
22	B	Window sash is broken, rotted or missing. EXTERIOR - FRONT DOOR GLASS MISSING
23	B	EXTERIOR - REAR Light fixture is broken or loose.
24	B	EXTERIOR - REAR DOOR KICKED IN -JAMB BROKEN
25	A	EXTERIOR - WEST SIDE STEPS Risers are broken.
26	A	FRONT BEDROOM Window has broken or cracked glass.
27	B	FRONT BEDROOM Ceiling is water damaged.
28	B	FRONT BEDROOM Paneling has holes.
29	B	FRONT BEDROOM No backer behind the paneling.
30	A	FRONT BEDROOM No power.
31	B	FRONT PORCH Door is improperly repaired and needs to be replaced.
32	B	FRONT PORCH Door hardware is broken, missing or incomplete.
33	B	FRONT PORCH Floor covering has holes, rips or is missing or is not sealed on edges.
34	B	GENERAL - ALL ROOMS Window is not weathertight and in good repair.
35	B	KITCHEN Floor covering has holes, rips or is missing or is not sealed on edges.
36	B	KITCHEN Roof leaks.
37	B	KITCHEN Ceiling is water damaged.
38	B	KITCHEN Window lock(s) is/are missing or inoperative.
39	B	KITCHEN Sink cabinet or floor is rotted or rusting away.
40	B	KITCHEN GFIC is painted shut.
41	B	KITCHEN Trim is broken, missing or incomplete.
42	B	KITCHEN Cabinets are not in good repair.

- 43 B KITCHEN
Countertop is chipped, broken or damaged causing the
countertop to be unsanitary.
- 44 B KITCHEN - WEST SIDE
Outlet is broken, loose or not working.
- 45 A LIVING ROOM

CITY OF MUSKEGON INSPECTION REPORT

November 8, 2000

AT 4:34 p.m.

FOR MERRILL 273

PAGE 3

No	Cat	Violation
46	A	LIVING ROOM Window has broken or cracked glass.
47	B	LIVING ROOM Smoke detector is missing or inoperative near the bedrooms.
48	B	LIVING ROOM Floor covering has holes, rips or is missing or is not sealed on edges.
49	B	LIVING ROOM Paneling has holes.
50	B	LIVING ROOM Ceiling tile are missing or falling down.
51	B	REAR BEDROOM No backer behind the paneling.
52	B	REAR BEDROOM Wall or walls has a hole or holes or large cracks in it.
53	B	REAR BEDROOM Does not have privacy door.
54	A	REAR BEDROOM Ceiling tile are missing or falling down.
55	A	UPPER BEDROOM Fuse panel cover is not installed.
56	B	UPPER BEDROOM Window sash is broken, rotted or missing.
57	B	UPPER BEDROOM Wall or walls has a hole or holes or large cracks in it.
58	B	UPPER BEDROOM Floor covering has holes, rips or is missing or is not sealed on edges.
59	B	UPPER BEDROOM Ceiling has peeling paint.
60	A	UPPER BEDROOM Wall covering is incomplete.
61	A	UPSTAIRS Step is broken or rotted.
62	B	UPSTAIRS Has a weak step.
63	A	UPSTAIRS Handrail is missing.
64	B	UPSTAIRS Ceiling cover is incomplete.

- 64 B UPSTAIRS
Wall covering is incomplete.
- 65 A UPSTAIRS
Smoke detector is missing or inoperative near the bedrooms.
- 66 B UPSTAIRS
Ceiling cover is incomplete.
- 67 B UPSTAIRS
Trim is broken, missing or incomplete.
- 68 B UPSTAIRS
Ceiling has a hole or holes or large cracks in it.
- 69 B UTILITY ROOM
Wall or walls has a hole or holes or large cracks in it.

CITY OF MUSKEGON INSPECTION REPORT

November 8, 2000

AT 4:34 p.m.

FOR MERRILL 273

PAGE 4

No	Cat	Violation
70	B	UTILITY ROOM Ceiling is water damaged.
71	A	UTILITY ROOM Smoke detector is missing or inoperative near the bedrooms.
72	B	UTILITY ROOM Thermostat cover is missing.
73	A	WATER HEATER Water heater cannot be located in a bedroom.
74	A	WATER HEATER CLOSET Water heater pressure and temperature valve is not piped full size to within 6" of the floor.
75	A	WATER HEATER CLOSET Water heater pressure and temperature relief valve must be 3/4" and piped (steel or copper) within 6" of the floor.

END OF LIST

DANGEROUS BUILDING INSPECTION REPORT

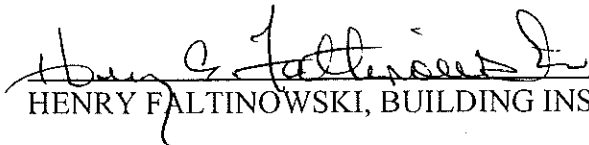
273 Merrill (Part of 271 Merrill)

11/7/00

Inspection noted:

1. Roof system on home severely deteriorated. Roof covering, sheathing, fascia, soffit damaged.
2. Chimneystack deteriorated.
3. Numerous broke out windows.
4. Rotted siding, window frames.
5. Graffiti on home.
6. Front porch structurally unstable.
7. Cracked door jams, casing.
8. Foundation failing.
9. Interior inspection required on electrical, plumbing, mechanical and building before any permits or occupancy will be allowed.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

11/8/2000
DATE

CITY OF MUSKEGON

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

DATE: 01/10/01

Address of the Property: 273 Merrill (Located behind 271 Merrill), Muskegon, Michigan

Description of the Structure: Lot 5 Blk 387

TO: Roecelio/Dawn Delapaz Jr., 271 Merrill, Muskegon MI 49441
[Name and address of Owner]

Delta Funding Corporation, 1000 Woodbury Rd, Woodbury NY 11797
Old Kent Bank of Grand Haven, 4300 Grand Haven Rd, Muskegon MI 49441
Debra Doremire, 1442 Barnes Rd., Muskegon MI 49442
Debra Doremire, 157 Mill Brook, Muskegon MI 49442
[Names and Addresses of Other Interested Parties]

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

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

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

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

FAILURE TO COMPLY

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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 273 Merrill, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached dangerous building inspection report.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Cathy Everett
Cathy Everett, Department Secretary

Dated: January 10, 2001

Incident Report

MUSKEGON POLICE DEPARTMENT

2001-002208-I

Incident No 2001-002208-I		Date & Time Rept 01/30/2001 00:02		Offense: 98007 SUSPICIOUS SITUATIONS	
Occurred From: 01/30/2001 00:02		Occurred Until: 01/30/2001 00:02		Incident Location 273 MERRILL	
Current Disp CLOSED		Disposed To CLOSED LORD		Municipality MUSKEGON	District 111
Disposition Date 01/30/2001		Juveniles Only? NO		TTY Sent? NO	Cancelled? TTY number
Photos? NO	Consent? NO	Affidavit? NO		Optional Date/Time / / :	
Officer Assigned 10507 FENWICK, LEAH C				Investigating Officer	
N	Copy to Inspections				
O					
T	Building check				
P	Name/Address/Phone			Description	
E	FRAZIER, NAPOLEON			Born 02/21/1981 MALE	
R	378 W GRAND			Hgt. 0' 0"	
S	MUSKEGON MI 49441			Wgt. 0	
O	(231) 728-4299			Hair Eyes	
N	OTHER		98007	SUSPICIOUS SITUATIONS	
01/30/2001					
Description/Name/Comments		Make/Model/Stat		Serial No./Qty/Value	
NO PROPERTY					
Status/Plate Type/VIN		Reg/Evid/Value		Description	
NO VEHICLES					
Category			Description		
NO M.O. INFORMATION					

Check D.B. list +
Send Bro UP Ltr.
2-2-01
RBS

Incident No	Date & Time Rept	Offense: 98007
2001-002208-I	01/30/2001 00:02	SUSPICIOUS SITUATIONS

N TAKEN FROM WORDPERFECT DOCUMENT 2001002208.001
A The house at 273 Merrill is currently vacant and I found both
R doors ajar.
R We checked the interior and no one was inside. There didn't
A appear to be any signs of current forced entry. The locks on the
T doors don't secure.
I Bressar's last contact for that address is for Napoleon
V Frazier. The house has been vacant for some time.
E Please notify Inspections as the house is unsecured.
Cleared.

L. Fenwick 507

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

NOTICE OF HEARING

Address of the Property: 273 Merrill, Muskegon, Michigan

Description of the Structure: Lot 5, Block 387

TO: Roecelio/Dawn Delapaz Jr., 271 Merrill, Muskegon MI 49441
[Name & Address of Owner]

Delta Funding Corp, 1000 Woodbury Rd, Woodbury NY 11797
Old Kent Bank of Grand Haven, 4300 Grand Haven Rd., Muskegon MI 49441
[Names & Address of Other Interested Parties]

Please take notice that on **Thursday, March 1, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at **5:30 p.m.** and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a structure issued by the City of Muskegon Inspection Services Department on 1/10/01.

At the hearing on **Thursday, March 1, 2001 at 5:30 p.m.**, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

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

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

Date: March 7, 2001

To: Roecelio/Dawn Delapaz Jr., 271 Merrill, Muskegon MI 49441
Owners Name & Address

Delta Funding Corp., 1000 Woodbury Rd, Woodbury NY 11797
Old Kent Bank, 4300 Old Grand Haven Rd, Muskegon MI 49441
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday March 1, 2000, does hereby order that the following structure(s) located at 273 Merrill, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The Structure located behind 271 Merrill on Lot 5 Block 387

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

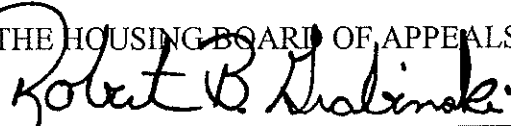
The director of inspections is ordered to delay for 30 days placing before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

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

Robert B. Grabinski, Fire Marshal/Inspections Dept

Case #00-85 – 273 Merrill – Dawn Delapaz, 271 Merrill, Muskegon MI 49441

No one came to the meeting to represent this property. A Notice and Order to Repair was sent on 2/10/01. Staff hasn't heard from the lending institutions or the owner. Lending institutions did receive letter the owner did not claim the letter. There has been no change in the condition of the home and the City had the structure boarded recently.

Discussion: John Warner was concerned with the structure at 271 Merrill and asked if the case included that structure. Grabinski clarified that 273 Merrill is the dwelling being discussed but that 271 Merrill will be looked at as a dangerous building as well.

Recommendation: To declare the structure unsafe, substandard and forward to the City Commission for concurrence.

A roll call vote was taken:

AYE

Fred Nielsen
John Warner
Randy Mackie
Jerry Bever
Nick Kroes

NAYE:

Greg Borgman

ABSENT:

EXCUSED:

Clint Todd

The motion carried.

~~Case # 00-100 –15 E Muskegon, Pamela Fields, 1817 Jefferson, Muskegon MI 49441~~

~~History: This case appears to have been a case back in 1995. Grabinski said he reviewed the file back then and it went in a review of timetable and then got dropped. A notice and order was sent on 4/10/01. There has been no contact with the owner.~~

~~Staff Recommendation: To declare the structure substandard, unsafe, a public nuisance and forward to the city commission for concurrence.~~

~~Motion: Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation and declared the structure at 15 E Muskegon dangerous, substandard, unsafe, a public nuisance and to forward the case to the city commission for concurrence in demolition of the structure.~~

DATE: April 2, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:99-34; Address: 1309 Sixth Street, Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1309 Sixth Street, Muskegon MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 99-34 – 1309 Sixth Street, Muskegon MI

Location and ownership: This single-family unit is located on Sixth Street in Nelson Neighborhood, HUD census #6.02. Previously owned by Sterling Bank and Trust(Bob Parker), The new owner is Guadalupe Loera of Muskegon MI.

Staff Correspondence with Owner: Dangerous building inspection report dated 6/23/99. Plumbing/Mechanical inspection report dated 5/3/00. Notice and Order dated 6/28/99. Notice of Hearing dated 9/27/99. Owner's schedule of repairs dated 10/7/99. Finding of facts dated 11/10/99. Notice of hearing 9/25/00. Finding of facts dated 10/10/00.

Owner Contact: Schedule of repairs dated 10/7/99.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$9, 500.00

Estimated cost to repair: \$2, 500.00

Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, April 10, 2001.

**NELSON NEIGHBORHOOD
CENSUS # 6.02**

**1309 SIXTH STREET
6/23/99**



DANGEROUS BUILDING INSPECTION

1309 SIXTH

6/23/99

1. Broken out windows.
2. Back door and jam damaged.
3. Home in need of protection of exposure from weather and needs paint.
4. Grafitti on garage and home.

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

Henry Faltinowski June 28-99
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

INSPECTION REPORT PLUMBING/MECHANICAL

1309 SIXTH

5/3/00

Inspection noted:

1. Repair and certify HAVC.
2. Must be done by a licensed contractor.

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

Rick Clark, Plumbing/Mechanical Inspector

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

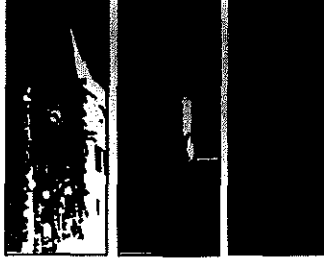
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

June 28, 1999

A & E Investments, LLC
1050 W. Western
Muskegon, Mi. 49440

Sterling Bank and Trust
One Towne Square, 17th Floor
Southfield, Mi. 48076

Dear Property Owner:

Subject: 1309 Sixth
SELY 33 FT of NWLY 53 FT of NELY 100 FT, LOT 7, BLOCK 376

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

C: Roberto Loera, Sr., 2010 W. Cleveland, New Era, Mi. 49446
8/9/99

CITY OF MUSKEGON

**NOTICE OF HEARING ON
DANGEROUS AND UNSAFE CONDITIONS**

DATE: September 27, 1999

TO: Bob Parker

SUBJECT: Dangerous Building Case #99-34 – 1309 Sixth

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on October 7, 1999 at 5:30 p.m. at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services
City of Muskegon

1309 6th St.

1. 10/31
2. Secured Not completed
3. 10/31
4. Completed

Work on Non completed portion will be ready for inspection on 11/1/99.

Robert Parker 10/7/99

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

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

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

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

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

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: November 10, 1999

CASE: #99-34 - 1309 Sixth

Sterling Bank and Trust
One Towne Square 17th Fl.
Southfield, MI 48076

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the 4th of November 1999.

The Inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Southeasterly 33 feet of the Northwesterly 53 feet of the Northeasterly 100 feet of Lot 7 Blk 376 also known as 1309 Sixth found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

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

September 25, 2000

Sterling Bank & Trust
One Town Square, 17th Floor
Southfield MI 48076

Dear Property Owner:

SUBJECT: Dangerous Building Case 99-34 – 1309 Sixth St., Muskegon MI

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

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

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

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

Inspection Services
City of Muskegon

City of Muskegon
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

October 10, 2000
Case #99-34 – 1309 Sixth St., Muskegon MI

Sterling Bank & Trust
One Towne Square, 17th Floor
Southfield MI 48076

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on October 5, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as Southeasterly 33 ft. of the Northwesternly 53 Feet of the Northeasterly 100 feet of Lot 7 Blk 376, also known as, 1309 Sixth St., found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

TRANSNATION TITLE INSURANCE COMPANY

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

The Southeasterly 33 feet of the Northwesterly 53 feet of the Northeasterly 100 feet of Lot 7, Block 376, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 24-31-30-255-019

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

CITY OR VILLAGE TAXES

No 1999 City taxes.

STATE AND COUNTY TAXES

1998 County taxes are paid in the amount of \$636.02, includes water usage due in the amount of \$119.83.

SPECIAL ASSESSMENTS

Delinquent water usage due in the amount of \$300.71, plus penalties and interest.

Current water usage due in the amount of \$5.00.

TAX SALES

State Equalized Value \$9,500.00.
Taxable Value \$9,500.00.
Tax Code No. 0005690.

Connie Johnson

By _____
Connie L. Johnson

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION