

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 26, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
 - a. **Proclamation for Jim Meechum.** COMMUNITY RELATIONS COMMITTEE
 - b. **Proclamation for Mark Grimmette.** COMMUNITY RELATIONS COMMITTEE
- ❑ **PRESENTATION:**
- ❑ **CONSENT AGENDA:**
 - a. **Approval of Minutes.** CITY CLERK
 - b. **Disband the Tax Increment Finance Authority.** COMMUNITY RELATIONS COMMITTEE
 - c. **Tax Increment Finance Authority Responsibilities assigned to Downtown Development Authority.** COMMUNITY RELATIONS COMMITTEE
 - d. **Policy for Procedure for Acquisition and Disposition of Residential Properties., Land Reutilization Committee.** COMMUNITY RELATIONS COMMITTEE
 - e. **Leisure Services Board Change.** COMMUNITY RELATIONS COMMITTEE
 - f. **Appointments to Various Committees/Board – LDFA.** COMMUNITY RELATIONS COMMITTEE
 - g. **Groundwater Ordinance Amendment, Admiral Petroleum.** PLANNING & ECONOMIC DEVELOPMENT

- h. Groundwater Ordinance Amendment. PLANNING & ECONOMIC DEVELOPMENT
- i. SECOND READING, Rezoning request for property located at 565 Mulder Avenue and 557 McLaren Street. PLANNING & ECONOMIC DEVELOPMENT
- j. Municipal Tractor Purchase. PUBLIC WORKS
- k. 2002, 2003 and 2004 Street Sweeping Contract. PUBLIC WORKS
- l. Umpire Contract. LEISURE SERVICES
- m. Request for Permission to Apply for 2002 USFA Grant. FIRE
- n. Amendment to the PILOT Ordinance. PLANNING & ECONOMIC DEVELOPMENT
- o. Great Lakes Naval Memorial and Museum Request. LEISURE SERVICES
- p. Consideration of Bids, Terrace Street from Irwin to Iona. ENGINEERING
- q. City MDOT Agreement for US-31 BR from Southern to Sherman. ENGINEERING

□ PUBLIC HEARINGS:

- a. Create Special Assessment District for Southern, Division to Seaway Drive. ENGINEERING
- b. Create a Special Assessment District for Leon Street , Crozier to Harrison. ENGINEERING
- c. Create a Special Assessment District for Ridge Street, Glenside Blvd. To Cumberland Street. ENGINEERING
- d. 2002-2003 CDBG/HOME recommendation and City Commission Preliminary decision. COMMUNITY AND NEIGHBORHOOD SERVICES

□ COMMUNICATIONS:

□ CITY MANAGER'S REPORT:

□ UNFINISHED BUSINESS:

□ NEW BUSINESS:

- a. Liquor License Request, Fricano's Muskegon Lake, L.L.C. CITY CLERK
- b. Update of City's Financial Policies. FINANCE

- c. Approval of Contract for Payments in Lieu of Taxes for Hackley Glen Redevelopment. PLANNING & ECONOMIC DEVELOPMENT
- d. Acquisition of Downtown Parking. PLANNING & ECONOMIC DEVELOPMENT
- e. Vacation of a portion of Terrace Street. PLANNING & ECONOMIC DEVELOPMENT
- f. Disclosure of Potential Conflict of Interest Under CDBG Community Development Grant Program. COMMUNITY AND NEIGHBORHOODS SERVICES

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

- *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.)

☐ **CLOSED SESSION: To discuss pending litigation.**

☐ **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: March 26, 2002
To: Honorable Mayor and City Commission
From: Community Relations Committee
RE: Proclamation for Jim Meechum

SUMMARY OF REQUEST: To adopt a proclamation recognizing Mr. Jim Meechum for his contributions in lighting the downtown during the holiday season.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the Proclamation.

COMMITTEE RECOMMENDATION: Adopt the Proclamation.



City of
Muskegon
 State of Michigan
PROCLAMATION

WHEREAS, the City of Muskegon pauses to honor Mr. Jim Meechum from JMT Tree Service in Grand Haven, for the donation of his time to put the Christmas Tree Lights up in the trees in downtown Muskegon; and

WHEREAS, the City of Muskegon recognizes and acknowledges the effort and hard work of Mr. Jim Meechum to make our city so beautiful during the holiday season, and

WHEREAS, the City of Muskegon commends Mr. Jim Meechum for contributing to the overall positive and pleasing appearance and image of our city, and

WHEREAS, the City of Muskegon is proud of your accomplishments and is thankful to have you involved in our community. Your contribution made a lasting impression on many visitors and residents during the holiday season.

NOW, THEREFORE, BE IT RESOLVED, that I, Steve Warmington, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside March 26, 2002 to recognize Jim Meechum for his contributions to the city and community.

IN WITNESS WHEREOF we hereunto set our hands and cause the seal of the City to be affixed this 26th day of March, 2002.

 Steve Warmington, Mayor

 Stephen Gawron, Commissioner

 Karen Buie, Vice Mayor

 Bill Larson, Commissioner

 Robert Schweifler, Commissioner

 Clara Shepherd, Commissioner

 Lawrence Spataro, Commissioner

Date: March 26 2002
To: Honorable Mayor and City Commission
From: Community Relations Committee
RE: Resolution recognizing Mark Grimmette

SUMMARY OF REQUEST: To recognize Mark Grimmette and his accomplishments.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Proclamation recognizing Mark Grimmette. The Mayor will present the Proclamation to Mark on March 29th at Reeths-Puffer High School between 9:30 am and 10:15 am.

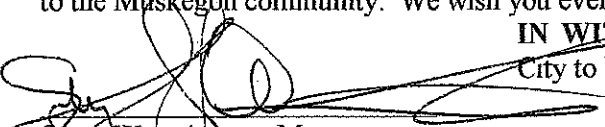


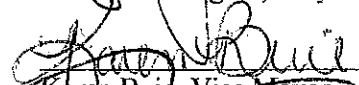
City of
Muskegon
State of Michigan

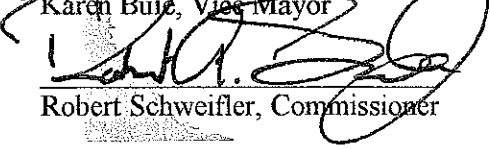
- WHEREAS,** the City of Muskegon pauses to congratulate and honor Mark Grimmette; and
- WHEREAS,** we realize that participation in athletics helps to build character and to really excel in any sport a person must demonstrate a outstanding spirit of dedication, enthusiasm, and hard work; and
- WHEREAS,** you are a striking example of dedication, enthusiasm and hard work which began in 1984 when you were age 13, and volunteered to help build the luge run at Muskegon State Park; and
- WHEREAS,** in 1987 you went to Lake Placid, N.Y. as part of a junior luge recruiting camp.
In 1989 you began living part of the year in Lake Placid, and make the junior national team in March and graduated from Reeths-Puffer High in June.
In 1991 - place sixth in the overall World Cup standings.
In 1992 - finish third in the Olympic trials.
In 1994 - finish fourth in the doubles luge, the highest Olympic finish ever for the United States in luge.
In 1997 - win three of the first four World Cup races giving you and your teammate the second doubles spot on the U.S. team.
In 1998 - win the Olympic bronze medal in Nagano.
In 1999 - win second consecutive overall World Cup title, securing your spot as one of the elite luge doubles teams in the world.
In 2000 - win the inaugural winter Goodwill Games gold medal in doubles luge at Lake Placid.
In 2001 - win a World Cup race in Nagano, and finish fifth in the overall season standings.
In 2002 - roar to a silver medal at the Olympic Games in Utah. That win gave you a 4th, 3rd and 2nd in your three Olympic appearances; and
- WHEREAS,** the City of Muskegon is proud of your accomplishments and is thankful to have you involved in the Muskegon community. Your contributions have made lasting impressions on many.

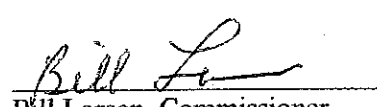
NOW, THEREFORE, BE IT RESOLVED, that I, Steve Warmington, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside March 29, 2002 to congratulate and recognize Mark Grimmette and express our pride in Mark's accomplishments and our appreciation for the fine publicity that he brings to the Muskegon community. We wish you every success in the future.

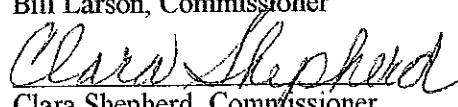
IN WITNESS WHEREOF we hereunto set our hands and cause the seal of the City to be affixed this 26th day of March, 2002.

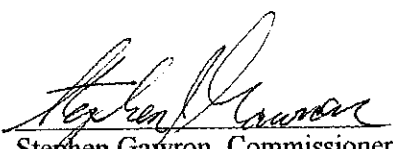

Steve Warmington, Mayor

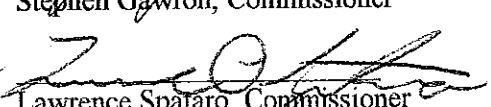

Karen Buie, Vice Mayor


Robert Schweifler, Commissioner


Bill Larson, Commissioner


Clara Shepherd, Commissioner


Stephen Gawron, Commissioner


Lawrence Spataro, Commissioner

Date: March 26, 2002
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 City Commission Worksession that was held on Monday, March 11, 2002, and the Regular Commission Meeting that was held on Tuesday, March 12, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 26, 2002

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, March 26, 2002.

Mayor Warmington opened the meeting with a prayer from Pastor Tom Jeffrey of Lakeside Assembly, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice-Mayor Karen Buie; Commissioners Robert Schweifler, Clara Shepherd, Lawrence Spataro, and Stephen Gawron; City Manager Bryon Mazade; City Attorney Thomas Johnson and City Clerk Gail Kundinger. Commissioner William Larson was absent until 6:00pm

2002-37 HONORS AND AWARDS:

a. Proclamation for Jim Meechum. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To adopt a proclamation recognizing Mr. Jim Meechum for his contributions in lighting the downtown during the holiday season.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the Proclamation

COMMITTEE RECOMMENDATION: Adopt the Proclamation

Vice-Mayor Buie read and presented the Proclamation to Jim Meechum.

b. Proclamation for Mark Grimmette. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To recognize Mark Grimmette and his accomplishments.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Proclamation recognizing Mark Grimmette. The Mayor will present the Proclamation to Mark on March 29th at Reeths-Puffer High School between 9:30am and 10:15am.

City Clerk Gail Kundinger read the Proclamation that Mayor Warmington will present to Mark Grimmette on March 29th at Reeths-Puffer High School.

2002-38 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, March 11, 2002, and the Regular Commission Meeting that was held on Tuesday, March 12, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Disband the Tax Increment Finance Authority. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee to disband the Tax Increment Finance Authority.

FINANCIAL IMPACT: None

BUDGET IMPACT: None

STAFF RECOMMENDATION: Approval of the action to disband.

c. Tax Increment Finance Authority Responsibilities assigned to Downtown Development Authority. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee to assign the duties of the Tax Increment Finance Authority Committee to the Downtown Development Authority.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the action to assign the duties of the TIFA to the DDA.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval of the action.

f. Appointments to Various Committees/Board – LDFA.

COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding appointments. The Community Relations Committee held a meeting held on March 4, 2002, to review the applications presented for each of the various committees and boards. Recommended appointments are as follows: L.D.F.A., Robert Kersman, L.D.F.A., Jamie Kay Kolkema-Shafer.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the appointments.

COMMITTEE RECOMMENDATION: Approve the appointments.

g. Groundwater Ordinance Amendment, Admiral Petroleum.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. An "affected" premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel. Mr. Dennis Lemmen of Admiral Petroleum, property owner of this "affected" premise, was also notified by mail of the amendment herein.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the amendment.

COMMITTEE RECOMMENDATION: None

**h. Groundwater Ordinance Amendment. PLANNING &
ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. An "affected" premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the amendment.

COMMITTEE RECOMMENDATION: None

i. **SECOND READING, Rezoning request for property located at 565 Mulder Avenue and 557 McLaren Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City of Muskegon, located at 565 Mulder Ave. and 557 McLaren St., from R-1, Single-Family Residential and OSR, Open Space Recreation to either RT, Two-Family Residential or RM-1, Low-Density Multiple-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request, to rezone the property to RT.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request to rezone the property to RT at their 2/28 special meeting. The vote was unanimous, with J. Aslakson and M. Kleaveland absent.

j. **Municipal Tractor Purchase.** PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase on Model C9700 Holder Tractor from Bell Equipment Company for \$55,874.00

FINANCIAL IMPACT: Total Cost \$55,874.00

BUDGET ACTION REQUIRED: None. This purchase was budgeted at \$75,000.

STAFF RECOMMENDATION: Approval to purchase Model C9700 Holder from Bell Equipment.

k. **2002, 2003 and 2004 Street Sweeping Contract.** PUBLIC WORKS

SUMMARY OF REQUEST: To award three-year contract to provide four (4) annual street sweepings to Tri-US Services, Inc., 4725-15 Mile Road, Kent City, Michigan.

FINANCIAL IMPACT: \$113,662.24 each year; \$340,986.72 over the course of the contract. Excludes special requests charged at \$100/hour.

BUDGET ACTION REQUIRED: None; monies appropriated in Highway and state trunkline budgets.

STAFF RECOMMENDATION:

I. Umpire Contract. LEISURE SERVICES

SUMMARY OF REQUEST: To approve a contract with Shoreline Sports Officials Association for providing umpires and sports officials for various sports programs.

FINANCIAL IMPACT: Approximately \$30,000 annually

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION: The Leisure Services Board Recommends approval.

m. Request for Permission to Apply for 2002 USFA Grant. FIRE

SUMMARY OF REQUEST: The Fire Department is requesting City Commission permission to apply for 2002 United States Fire administration "Assistance to Firefighters Grant Program" to provide public fire safety programs to children 14 and under and citizens 65 and older.

FINANCIAL IMPACT: \$10,000 "in kind" match through 1000 hours of staff time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of grant application to USFA for public fire safety programs.

COMMITTEE RECOMMENDATION:

n. Amendment to the PILOT Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the ordinance amendment to clarify the definition of "elderly persons" to be the same definition as the Michigan State Housing Development Authority ("Authority") definition. MSHDA interprets "elderly persons" as being 55-years-of-age or older. The former City interpretation was 62-years-of-age or older.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Ordinance amending Ordinance No. 757 and authorize the Clerk to sign.

COMMITTEE RECOMMENDATION:

o. Great Lakes Naval Memorial and Museum Request. LEISURE SERVICES

SUMMARY OF REQUEST: To Authorize the Great Lakes Naval Memorial and Museum to submit a Coastal Management Grant for the rehabilitation of the LST.

FINANCIAL IMPACT: \$60,000

BUDGET ACTION REQUIRED: None, the Museum will provide the match.

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION:

p. Consideration of Bids, Terrace Street from Irwin to Iona.
ENGINEERING

SUMMARY OF REQUEST: The Terrace Street contract (H-1547, W-627 & S-572) be awarded to Wadel Stabilization Inc. out of Hart since they were the lowest (see bid tabulation) responsible bidder with a bid price of \$517,322.23 (see bid tabulation).

FINANCIAL IMPACT: The construction cost of \$517,322.23 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Wadel Stabilization Inc.

COMMITTEE RECOMMENDATION:

q. City MDOT Agreement for US-31 BR from Southern to Sherman.
ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the Milling & Resurfacing along with joint repairs on US-31 BR from Southern to Sherman, limits of that section of the project that is within the City. And to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FIANCIAL IMPACT: While this is an MDOT project, we are required to participate in the section that of the project that falls within the City's limits. The City's share is estimated at \$50,100 but not more than 11.25% of eligible cost. The total estimated cost of the project is \$2,010,800.00

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

STAFF RECOMMENDATION: That the agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the Consent Agenda except for items d and e.

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

Nays: None

Absent: Commissioner Larson

MOTION PASSED

2002-39 ITEM REMOVED FROM THE CONSENT AGENDA:

- d. Policy for Procedure for Acquisition and Disposition of Residential Properties., Land Reutilization Committee.
COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee to adopt the policy as presented.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the policy.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve the adoption of the policy for Procedure for Acquisition and Disposition of Residential Properties.

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

Nays: None

Absent: Larson

MOTION PASSES

- e. Leisure Services Board Change. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding the following: Removal of Brian Chapman from the Leisure Services Board.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval of the action.

Motion by Vice-Mayor Buie, second by Commissioner Spataro to refer back to the Community Relations Committee.

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

Nays: None

Absent: Larson

2002-40 PUBLIC HEARINGS:

a. Create Special Assessment District for Southern, Division to Seaway Drive. ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 5:55pm to hear and consider any comments from the public. There were objections heard from Sandra Becker, 749 W. Southern and Marion Olejarczyk, 690 W. Southern.

Motion By Commissioner Spataro, second by Commissioner Shepherd to close public hearing at 6:08 and approve to create the special assessment and assign Mayor Warmington and Commissioner Gawron to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

b. Create a Special Assessment District for Leon Street, Crozier to Harrison. ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 6:09pm to hear and consider any

comments from the public. No comments were heard from the public.

Motion by Commissioner Schweifler, second by Vice-Mayor Buie to close the public hearing at 6:10 and adopt to create the special assessment and assign Commissioners Larson and Schweifler to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

c. Create a Special Assessment District for Ridge Street, Glenside Blvd. To Cumberland Street. ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 6:12pm to hear and consider any comments from the public. No comments were heard from the public.

Motion by Commissioner Gawron, second by Commissioner Larson to close the public hearing at 6:13 and adopt to create the special assessment and assign Commissioner Larson and Mayor Warmington to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

d. 2002-2003 CDBG/HOME recommendation and City Commission Preliminary decision. COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a Public hearing concerning the CDBG/HOME 2002-2003 recommendation submitted by both the administration and the Citizen District Council.

The Public Hearing is to gather information from the public concerning the 2002-2003 CDBG/HOME funding which is to be \$1,376,000 and \$137,000, respectively, excluding any program income or reprogrammed funding.

The City Commission is also asked to make their preliminary decision on what items should be funded and at what amounts.

The City Commission will be asked to make their final decision on April 9, 2002 during the scheduled Commission meeting.

FINANCIAL IMPACT: The 2002 - 2003 allocations will be based on the Commission decision(s).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To conduct the Public Hearing and to make preliminary allocation decision.

COMMITTEE RECOMMENDATION: The Citizen's District Council recommendation are included with the recommendation made by the City's administration.

The public hearing opened at 6:18 to hear and consider any comments from the public. Comments were heard from Pat Montney, Chair of Community District Council, 925 Irwin; Steve Borschler, Oakview Neighborhood Association, 1255 Fleming; Dr. Sarah Johnson, child care giver, 31 E. Clay and Dan Bonner, Managing Attorney with Western Michigan Legal Services, 1652 Nelson St.

Motion by Commissioner Spataro, second by Commissioner Schweifler to close the public hearing at 7:04pm and adopt preliminary allocation decision and to discuss at the April 8th Commission Worksession.

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

Nays: None

MOTION PASSED

2002-41 NEW BUSINESS:

a. Liquor License Request, Fricano's Muskegon Lake, L.L.C. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Fricano's Muskegon Lake, L.L.C. for a new SDM and Resort Class C license to be located at 1050 W. Western.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION; All Departments are recommending approval

pending final inspection.

Motion by Commissioner Schweifler, second by Commissioner Larson to recommend approval pending final inspection.

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

Nays: None

MOTION PASSED

b. Update of City's Financial Policies. FINANCE

SUMMARY OF REQUEST: The City's major financial policies were first put in writing and adopted by the City Commission several years ago. These policies set forth the framework for managing the financial affairs of the City. Among the changes recommended in this update are the following:

Investment Policy – This policy has been completely rewritten with the assistance of the City's outside investment advisor.

Travel Policy – This had been a separate policy but is included here and has been revised to address several issues.

New policies have been added in the areas of departmental cash handling, accounts payable, accounts receivable, and payroll deductions.

Due to the length of the Financial Policies document, the Commission may wish to receive the policies at this time and formally adopt them after it has had adequate time for review.

FINANCIAL IMPACT: The policies outlined here represent the City Commission's formal direction to staff as to how the City's financial affairs will be managed. While no immediate savings or costs are associated with the policy changes recommended herein, staff believes that over time they will strengthen the City's financial position. It should be noted that both the City Attorney and City's independent auditor have reviewed the recommended policies.

BUDGET ACTION REQUIRED: No budget action is required.

STAFF RECOMMENDATION: Adoption of the proposed Financial Policies.

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Larson to approve the proposed Financial Policies.

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

Nays: None

MOTION PASSED

c. Approval of Contract for Payments in Lieu of Taxes for Hackley Glen Redevelopment. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The contract providing for payment in lieu of taxes for the Hackley Glen Redevelopment have been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of the Hackley Limited Dividend Housing Association III, L.L.C. have met with City staff several times over the past two years, as they have developed and refined their proposal. They have also talked with members of the Campbell Field Neighborhood Association. The contract is attached. The City Commission is requested to approve the contract.

FINANCIAL IMPACT: Payments under the contract are recommended to be four percent (4%) of the contract rents for all units, whether occupied or not.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the contract and authorize the Mayor and Clerk to execute the contract on behalf of the City.

COMMITTEE RECOMMENDATION: The City Commission Working Session reviewed this proposal in February and recommended that the developers include market-rate housing. The developers have complied with this request and are recommending that for phase 1 and Phase 3 (two-story family apartments) 40% of the units be at 60% median-income and 60% of the units be market-rate and Phase 2 (Senior Congregate Apartments) 40% of the units be at 60% of median-income and 60% of the units be market-rate.

Motion by Commissioner Schweifler, second by Vice-Mayor Buie to approve the contract and authorize the Mayor and Clerk to execute to contract on behalf of the City.

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

Nays: None

MOTION PASSED

d. Acquisition of Downtown Parking. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: As the Muskegon Mall parking lots have been closed off to the public, a need for additional parking in the downtown has been created. In an effort to meet this need, it has become necessary for the City to lease, through the powers of eminent domain, certain parking areas within the Muskegon mall perimeter, located adjacent to Third Street (See map with Resolution). The City made an offer to the property owner, to lease the said

parking lots, but the offer was refused. Therefore, it is necessary to proceed with eminent domain.

FINANCIAL IMPACT: The property will be leased for a period of one year, at a cost of \$35,970. The City will be responsible for costs of maintenance, cleaning, insurance and current pro rata taxes, if any, on the premises leased.

BUDGET ACTION REQUIRED: To amend the General Fund budget to allow for Contingency Funds to be used for the acquisition.

STAFF RECOMMENDATION: To approve the Resolution and Declaration of Taking and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: At the March 12, City Commission meeting, it was recommended to proceed with the acquisition.

Motion by Commissioner Schweifler, second by Commissioner Larson to approve the Resolution and Declaration of Taking and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSED

e. Vacation of a portion of Terrace Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the northbound lanes of Terrace St., between Shoreline Dr. and Morris Ave.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Terrace St., with the condition that all City easement rights be retained, and that the City Engineer's conditions be met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended the vacation, with the conditions as listed above. The vote was unanimous with S. Warmington and M. Kleaveland absent.

Motion by Commissioner Spataro, second by Commissioner Larson to approve vacation of the portion of Terrace St., with the condition that all City easement rights be retained, that the City Engineer's conditions be met, and to amend resolution to include additions by Engineering.

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

Nays: None

MOTION PASSED

- f. Disclosure of Potential Conflict of Interest under CDBG Community Development Grant Program. COMMUNITY AND NEIGHBORHOODS SERVICES

SUMMARY OF REQUEST: Under Community Development Block Grant regulations, potential conflicts of interest must be disclosed to the public prior to requesting a waiver from HUD. Sheila Shah of 807 Wood Street, has applied for CDBG assistance for front porch steps under the City's Emergency program. Ms. Shah is a member of the Citizen's District Council. The City Attorney has determined that no conflict of interest is present in this case; however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the City's Community and Neighborhood Services Dept. to submit the waiver of conflict of interest to the U.S. Department of Housing and Urban Development.

COMMITTEE RECOMMENDATION: Not Applicable.

Motion by Vice-Mayor Buie, second by Commissioner Schweifler to approve the CNS Dept, to submit the waiver of conflict of interest to the U.S. Department of Housing and urban Development.

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

Nays: None

MOTION PASSED

2002-42 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to close session at 7:50 and discuss pending litigation.

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

Nays: None

MOTION PASSED

Motion by Commissioner Shepherd, second by Commissioner Spataro to re-open the session at 8:17pm.

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

Nays: None

MOTION PASSED

Motion by Commissioner Shepherd, second by Commissioner Spataro to accept the recommendation of the attorney.

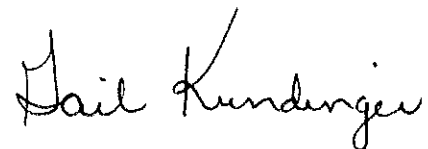
ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 8:20pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Kunderinger".

Gail Kunderinger, CMC/AAE
City Clerk

AGENDA ITEM

**CITY COMMISSION MEETING
March 26, 2002**

TO: Honorable Mayor and City Commissioners

FROM: Gail Kunding, City Clerk

DATE: March 19, 2002

SUBJECT: Tax Increment Finance Authority

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee to disband the Tax Increment Finance Authority.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the action to disband.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval of the action.

AGENDA ITEM

**CITY COMMISSION MEETING
March 26, 2002**

TO: Honorable Mayor and City Commissioners
FROM: Gail Kunding, City Clerk
DATE: March 19, 2002
SUBJECT: Tax Increment Finance Authority Responsibilities

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee to assign the duties of the Tax Increment Finance Authority committee to the Downtown Development Authority.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the action to assign the duties of the TIFA to the DDA..

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval of the action.

Date: March 26, 2002
To: Honorable Mayor and City Commission
From: Community Relations Committee
RE: Appointments to Various Committees/Boards

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding appointments. The Community Relations Committee held a meeting held on March 4, 2002, to review the applications presented for each of the various committees and boards. Recommended appointments are as follows:

L.D.F.A. Robert Kersman

L.D.F.A. Jamie Kay Kolkema-Shafer

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: Approve the appointments.

STAFF RECOMMENDATION: Approve the appointments.

Commission Meeting Date: March 26, 2002

*Needs
2nd Reading*

Date: March 18, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Groundwater Ordinance Amendment

SUMMARY OF REQUEST:

To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. An "affected" premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel. Mr. Dennis Lemmen of Admiral Petroleum, property owner of this "affected" premise, was also notified by mail of the amendment herein.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the amendment.

COMMITTEE RECOMMENDATION:

None

Commission Meeting Date: March 26, 2002

*Needs
2nd Reading*

Date: March 20, 2002
To: Honorable Mayor and City Commissioners *CBC*
From: Planning & Economic Development
RE: Groundwater Ordinance Amendment

SUMMARY OF REQUEST:

To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. An "affected" premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the amendment.

COMMITTEE RECOMMENDATION:

None

Commission Meeting Date: March 12, 2002

2nd Reading

Date: March 1, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *B*
RE: Rezoning request for property located at 565 Mulder Ave.
and 557 McLaren St.

SUMMARY OF REQUEST:

Request to rezone property owned by the City of Muskegon, located at 565 Mulder Ave. and 557 McLaren St., from R-1, Single-Family Residential and OSR, Open Space Recreation to either RT, Two-Family Residential or RM-1, Low-Density Multiple-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

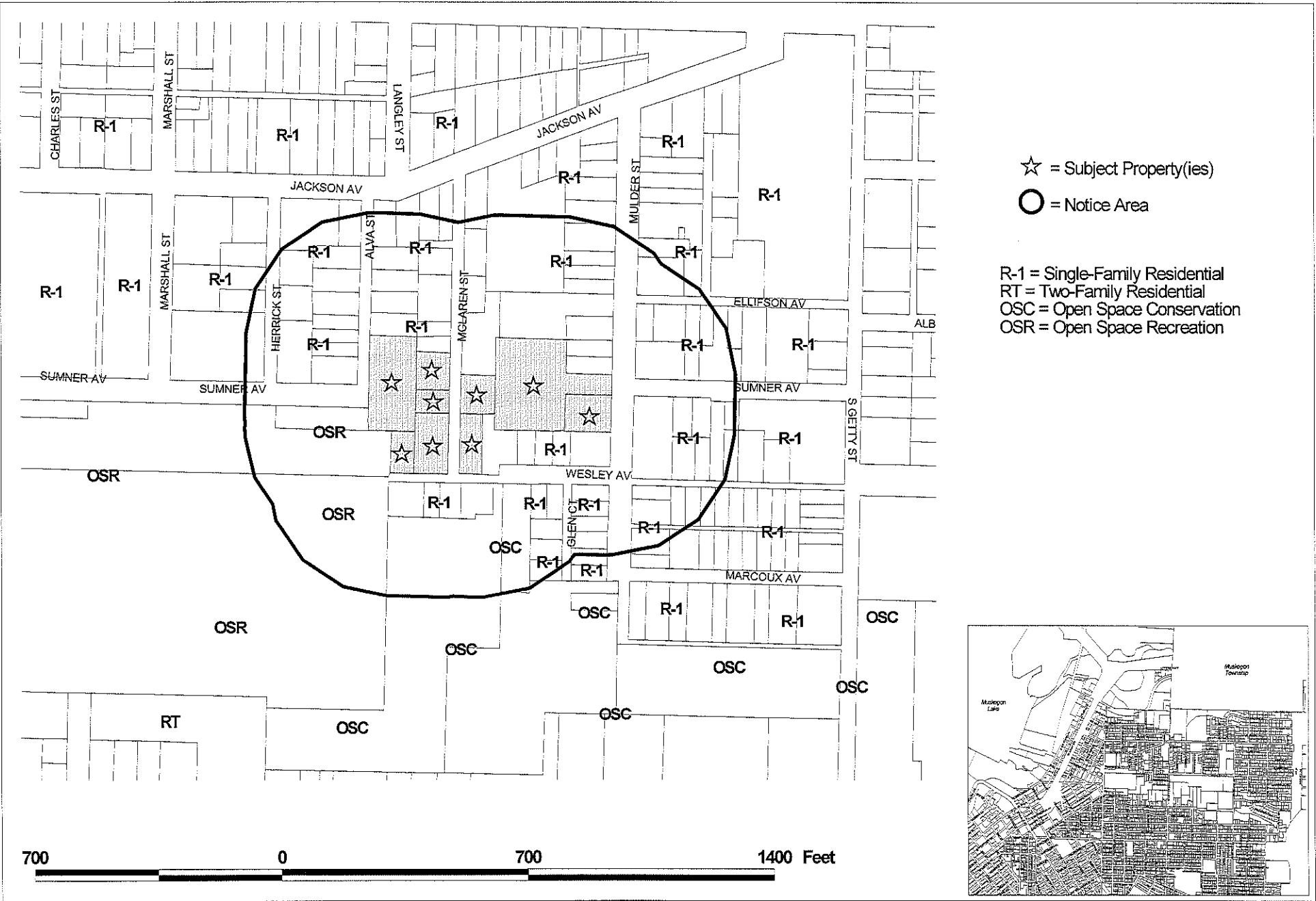
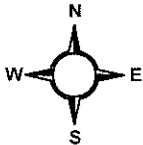
STAFF RECOMMENDATION:

Staff recommends approval of the request, to rezone the property to RT.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request to rezone the property to RT at their 2/28 special meeting. The vote was unanimous, with J. Aslakson and M. Kleaveland absent.

City of Muskegon
Planning Commission
Case #2002-9



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

February 28, 2002

Hearing; Case 2002-9: Request to rezone property located at 557 McLaren St. and 565 Mulder Ave. from R-1, Single-Family Residential and OSR, Open Space Recreation to either RT, Two-Family Residential or RM-1, Low Density Multiple-Family Residential, by Finlay Properties, Inc.

BACKGROUND

Applicant: Finlay Properties, Inc./City of Muskegon

Address/Location of Subject Property: 557 McLaren St. and 565 Mulder Ave.

Current Use: Vacant

Current Zoning: R-1, Single-Family Residential

Proposed Zoning: RT, Two-Family Residential or RM-1, Low Density Multiple-Family Residential

STAFF OBSERVATIONS

1. The subject properties are located on both sides of McLaren St., where McLaren dead-ends into Wesley Ave. The properties are currently owned by the City of Muskegon and are both currently zoned R-1, Single-Family Residential.
2. The subject properties are made up of several smaller lots which have been combined into two larger parcels. The properties are located in the Jackson Hill neighborhood, adjacent to Smith-Ryerson Park. The properties contain wooded area and are sloped in some places. Currently portions of the properties are used as an illegal dump site for furniture, tires and other items.
3. As part of the Jackson Hill Marketing Strategy adopted by the City Commission in 1999, staff looked at various possibilities for the larger pieces of property that the City owned in the neighborhood. Staff noted that there are currently no multi-family housing opportunities within Jackson Hill, although there are several complexes in adjacent neighborhoods.
4. At a meeting held with neighborhood residents in 1999, many residents indicated an interest in being able to stay in their neighborhood once they felt they were no longer able to keep and maintain their homes. They were interested in seeing senior living opportunities developed within the neighborhood.
5. The Future Land Use Map currently shows the subject property to be "Single & Two-Family Residential", with a portion (directly adjacent to the park) shown as "Public/Quasi-Public".
6. The Master Land Use Plan states:
 - ◆ A majority of the area is single-family residential, supplemented by small pockets of industrial, several segments of strip commercial, and multiple-family.

- ◆ It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening fashion.
 - ◆ Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area.
7. Sub-Area Issues:
 - ◆ A large number of residential blocks exhibit poor housing and/or poor site condition.
 8. The Master Plan recommends for this sub-area:
 - ◆ Housing rehabilitation efforts should be focused in Sub-Area 12.
 9. Staff has been working with Finlay Properties for several months on potential development ideas for the subject properties. Finlay has met with the neighborhood association, and from discussion at that meeting, has decided to focus on a senior housing development.
 10. Finlay Properties is proposing a senior housing development, comprised of 40, single-story units, arranged in either tri-plexes or four-plexes, with one garage per unit.
 11. Even if this development were to fall through, the City does own the property, and has more oversight on what type of development will go there than for other, privately-owned properties. The neighborhood has indicated that they would like to have more of a variety of housing opportunities within their neighborhood. The subject properties are sufficient in size and configuration to support a small, well-designed multiple-family development.
 12. Staff noticed this request as for a rezoning to either RT or RM-1. Either zoning would allow the proposed project to proceed. Rezoning to RT would require the use of a PUD, whereas the density requirements in the RM-1 zoning would allow the project without the use of a PUD. Finlay Properties did not have any objections to either zoning option.
 13. Staff has had two phone calls concerning this case. The first caller spoke to Hope, asked for information, and was hoping that the City was interested in buying her property. She did not leave a name or address. The second call was from Selby Walsh, 536 McLaren. Mr. Walsh indicated that he was concerned about the possibility of low-income housing on the property, and the impact that it would have on the neighborhood. He said that the area is nice and quiet now and he would not like to see anyone causing any trouble there.

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:

6. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions:

...
7. 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:

...
8. Churches and other facilities normally incidental thereto subject to the following conditions:

...
9. 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.
10. Cemeteries.
11. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
12. 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]:

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

14. Restricted parking areas subject to provisions of Section 2327.1.

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

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION

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

1. Determination: The Planning Commission, in reviewing and approving a proposed PUD may allow lots within the PUD to be reduced in area and width and setbacks below the minimum normally required by this ordinance in return for common open space where it is determined that the benefits of the cluster approach will decrease development costs, increase recreational opportunities, or prevent the loss of natural features. The Planning Commission, in its determination, shall consider the densities permitted in the Zoning Ordinance and, if applicable, the land's capability to bear the higher density.
2. Basic Requirements:
 - a. The net residential acreage including improvements and occupied land shall be calculated by taking the total area of the tract and subtracting, in order, the following:
 - 1) Portions of the parcel(s) shown to be in a floodplain.
 - 2) Portions of the parcel(s) which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to; slopes greater than 15%; organic, poorly drained soils, and wetlands.
 - 3) Portions of the parcel(s) covered by surface waters.
 - 4) Portions of the tract utilized for storm water management facilities.
 - b. Undevelopable areas may be used for common open and recreational areas.
 - c. No building shall be sited on slopes steeper than 15%, within 100 feet of any ordinary high water mark, wetland, or on soil classified as being very poorly drained.
3. Density determination: To determine the maximum number of dwelling units permitted on the parcel(s) of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance.
4. Open space requirement: At least 15% of the site shall be set aside as dedicated common open space. At least one third (1/3) of the common open space shall be usable open space. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach such recreational or common open spaces.
5. Spacing: The distance between buildings shall not be less than 10 feet and front setbacks shall not be less than 10 feet. In no case shall an individual dwelling lot be less than 4,000 square feet.
6. Waterfront: Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.

7. Utility of common open space: Common open space in any one residential cluster shall be laid out, to the maximum extent feasible, to connect with other open space existing or proposed.
8. Size: Minimum parent parcel size is 21,780 square feet (one-half acre).
9. Bonus units: Where the developer provides additional open space or amenities within the development, additional density may be granted. A maximum of a 10% unit bonus may be granted to the development for additional amenities such as: public trail easements, additional open space, additional common waterfront area, and additional landscaping.

[amended 12/31/97]

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

...

ARTICLE VI - RT TWO FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RT Two Family Residential Districts are designed to be compatible with one (1) family residential densities, and to be located along major thoroughfares so as to provide transition between the thoroughfare and one (1) family district. The RT zones of transition higher density RM and MHP Districts, or nonresidential districts, and low density one (1) family residential districts.

SECTION 600: PRINCIPAL USES PERMITTED

In an RT Two Family Residential District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. One and two family detached dwellings.
2. Municipal, county, state, or federal buildings or properties of public service types, not including storage yards, warehouses, or garages, provided that no such building shall be located less than thirty (30) feet from any other lot in a residential district.
3. Cemeteries adjacent to, or an extension of, existing cemeteries.
4. Home Occupations of a nonindustrial nature may be permitted subject to the following:
...
5. Congregate living facility for not more than four persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
6. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 601: 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. Accredited fraternity or sorority houses, when located not less than twenty (20) feet from any other lot in any R District.
2. Access driveway or walk connecting premises in a B or M District with one or more public streets provided no part of such driveway shall be located at a distance greater than thirty (30) feet from any boundary line of any said districts nor at a distance less than ten (10) feet of the side lot line of an adjoining lot, which lot is in any residential district, and provided that between such driveway and any such side lot line, but not within ten (10) feet of the front lot line, there shall be maintained a solid wall or front fence, or a compact evergreen hedge not less than five (5) feet high.
3. Tourist homes having not more than two (2) guest rooms, provided the premises front on a street which is officially designated as a major thoroughfare or collector thoroughfare.
4. The office of the resident physician, dentist, architect, engineer, attorney, or similar professional person when located within this dwelling, provided not more than one (1) person not a resident in said dwelling is employed in such office.
5. Schools and colleges for academic instruction, provided that no principal building shall be located less than thirty (30) feet from any other lot in an R District.
6. Private noncommercial recreation areas, institutional or community recreation centers provided that any principal building used therefor shall be located not less than thirty (30) feet from any other lot in any R District, subject to provisions of Section 401 - 1 (a through f).
7. Churches and other facilities normally incidental thereto subject to the following conditions:
...
8. Congregate living facility for not more than six persons provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
9. 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]:
...
10. Accessory buildings and accessory uses customarily incidental to the above Special Land Use Permitted.
11. Uses similar to the above Special Land Uses Permitted.
12. Restricted parking areas subject to provisions of Section 2327(1).

SECTION 602: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the Two Family Residential districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 603: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE VII - RM-1 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 Low Density Multiple Family Residential Districts are designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density One Family and Two Family Residential Districts, and MHP Mobile Home Park Districts.

SECTION 700: PRINCIPAL USES PERMITTED

In an RM-1 Low Density Multiple Family Residential 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. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Tourist homes having not more than two (2) guest rooms provided the premises fronts on a street which is officially designated as a major thoroughfare or collector thoroughfare.
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
7. Home occupations of a nonindustrial nature may be permitted subject to the following:
...
8. Congregate living facility for not more than six persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
9. Adult foster care facility for not more than six persons.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
11. Uses similar to the above Principal Permitted Uses.

SECTION 701: 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. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.

2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.
3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.
4. The office of a resident physician, dentist, architect, engineer, attorney, or similar professional person when located within his dwelling, provided that not more than one (1) person not a resident in said dwelling is employed in such offices.
5. Hospitals, sanitariums, and convalescent or nursing homes.
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 the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.
9. Restricted parking areas subject to provision of Section 2327.1.

SECTION 702: PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the RM-1 Low Density Multiple Family Residential District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 703: AREA AND BULK REQUIREMENTS [amended 4/00]

...

PHOTOS



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
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2069

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 OSR "Open Space Recreation" to RT "Two-Family Residential"

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 OSR "Open Space Recreation" to RT "Two-Family Residential":

CITY OF MUSKEGON, REVISED PLAT OF 1903, S 108.35 FT LOT 9, ALL LOT 12 EXC N 99 FT OF E 132 FT OF LOT 12, BLK 19; ALSO THAT PART OF LOT 10 BLK 20 LYING E OF MCLAREN ST.

CITY OF MUSKEGON, REVISED PLAT OF 1903, S 44 FT LOT 7, ALL LOTS 8 & 9 & THAT PART OF LOT 10 LYING W OF MCLAREN ST BLK 20; ALSO LOT 2 EX NLY 66 FT & ALL LOT 3 BLK 21

This ordinance adopted:

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

Nays: None

Adoption Date: March 26, 2002

Effective Date: April 9, 2002

First Reading: March 12, 2002

Second Reading: March 26, 2002

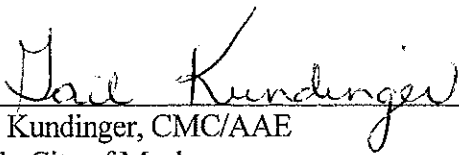
CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of 565 Mulder Ave. & 557 McLaren St. from R-1 & OSR to RT)

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 26th day of March, 2002, 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: March 26, 2002.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on March 26, 2002, 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 OSR "Open Space Recreation" to RT "Two-Family Residential"

CITY OF MUSKEGON, REVISED PLAT OF 1903, S 108.35 FT LOT 9, ALL LOT 12 EXC N 99 FT OF E 132 FT OF LOT 12, BLK 19; ALSO THAT PART OF LOT 10 BLK 20 LYING E OF MCLAREN ST.

CITY OF MUSKEGON, REVISED PLAT OF 1903, S 44 FT LOT 7, ALL LOTS 8 & 9 & THAT PART OF LOT 10 LYING W OF MCLAREN ST BLK 20; ALSO LOT 2 EX NLY 66 FT & ALL LOT 3 BLK 21

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 March 30, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

Date: 3/6/2002
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor
RE: Municipal Tractor Purchase

SUMMARY OF REQUEST: Approval to purchase one Model C9700 Holder Tractor from Bell Equipment Company for 55,874.00

FINANCIAL IMPACT: Total Cost \$55,874.00

BUDGET ACTION REQUIRED: None, This purchase was budgeted at \$75,000.

STAFF RECOMMENDATION: Approval to purchase Model C9700 Holder from Bell Equipment.

Municipal Tractor

	<u>Bid</u>	<u>Model</u>
Bell Equipment	\$ 70,874.00	Holder C9700
	<u>\$ (15,000.00)</u>	Trade in (50232)
	\$ 55,874.00	
Mulders Power Equipment	\$ 64,900.00	Trackless MT5
	<u>\$ 6,000.00</u>	Trade in (50232)
	\$ 58,900.00	
Heights Tool Company	\$ 64,330.00	Aebi Kommunal Trak
	<u>\$ -</u>	Trade in (50232)
	\$ 64,330.00	
Budgeted Amount	\$ 75,000.00	

This purchase is a budgeted replacement of an existing unit. We currently have two Holder units in our fleet. After testing the above units we found them both fairly equal, with most of the operators preferring the Holder. Therefore, it is my recommendation that we purchase the Holder from Bell Equipment.

Municipal Tractor

Date: 3/8/02

To: Robert Kuhn

From: Brett Kraley

RE: Purchase Request

The equipment division is considering replacing our existing Holder. The Holder is an articulated, four wheel drive tractor with interchangeable front and rear mounted attachments. The Parks Department uses this unit year round clearing sidewalks in the winter and mowing grass in the summer. The Holder we hope to purchase now comes with rear mounted hydraulics that will enable the parks department to use this machine in conjunction with attachments we already own instead of renting another tractor.

Attachments

HOLDER

C9700H

All Season Multi-Purpose C9700H



OVER 100 YEARS OF HERITAGE

Date: March 14, 2002
To: Honorable Mayor and City Commission
From: Robert H. Kuhn, Director of Public Works
RE: 2002, 2003 and 2004 Street Sweeping Contract

SUMMARY OF REQUEST: To award three-year contract to provide four (4) annual street sweepings to Tri-Us Services, Inc., 4725-15 Mile Road, Kent City, Michigan.

FINANCIAL IMPACT:

\$113,662.24 each year; \$340,986.72 over the course of the contract.
Excludes special requests charged at \$100/hour.

BUDGET ACTION REQUIRED:

None; monies appropriated in Highway and state trunkline budgets.

STAFF 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/724-4055

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

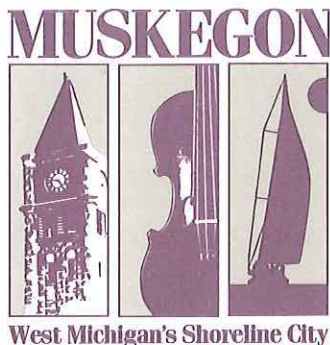
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



Date: March 14, 2002
To: Honorable Mayor and City Commissioners
From: Robert H. Kuhn, Director of Public Works
Subject: 2002, 2003, 2004 Street Sweeping Contract

Two bid proposals to provide street sweeping services for years 2002, 2003 and 2004 were received as the result of solicitation in *The Chronicle*: Tri-Us Services, Inc., 4725 15 Mile Road, Kent City, Michigan and Sanisweep, Inc., 0-3450 Lake Michigan Drive NW, Grand Rapids, Michigan.

Four annual sweeps are required of 355.72 miles of non-trunkline curbed and uncurbed paved streets and paved shoulders and 27.20 miles of trunkline (city portions of Apple Avenue and Seaway Drive) curbed and uncurbed paved streets and paved shoulders. Vendor must also perform special sweeping requests as solicited.

Tri-Us Services, Inc. bid \$113,662.24 X 3 years = \$340,986.72

Annual breakdown

\$73.00 X 355.72 non-trunkline curb miles = \$25,967.56 X 4 sweeps	\$103,870.24
\$90.00 X 27.20 trunkline curb miles = \$2,448.00 X sweeps	\$ 9,792.00
\$100.00 per hour, special requests	

Sanisweep, Inc. bid \$156,879.56 X 3 years = \$470,638.68

Annual breakdown

\$98.25 X 355.72 non-trunkline curb miles = \$34,949.49 X 4 sweeps	\$139,797.96
\$157.00 X 27.20 trunkline curb miles = \$4,270.40 X sweeps	\$ 17,081.60
\$110.00 per hour, special requests	

Funds to cover all expenses are budgeted. Trunkline expenses are reimbursed by the state.

It is our recommendation that the contract be awarded to Tri-Us Services, Inc. In addition to being the low bidder, Tri-Us has provided satisfactory service the past five (5) years.

(L/DPW/Bids/2002...)

BID PROPOSAL

TO: THE CITY OF MUSKEGON

The undersigned bidder proposes to do all the work for the **STREET SWEEPING CONTRACT** for the contract years 2002, 2003, and 2004, to the extent and in the manner set forth in the contract documents, for the following bid prices:

Regular Sweeps (355.72 miles of non-Trunkline curbed and uncurbed paved streets and paved shoulders) - \$ 73.00 per curb-mile

Trunkline Sweeps (27.20 miles of curbed and uncurbed paved streets and paved shoulders) - \$ 90.00 per curb-mile
(M46, Apple Avenue from Shonat Street west to Muskegon Avenue, 10.00 curbed miles.)
(Business Route 96 from Bayou Street to Sherman Boulevard, to include uncurbed paved shoulders, 17.20 curbed and uncurbed miles.)

Special Requests - \$ 100.00 per hour

The annual bid price for this contract shall be the Regular Sweep bid of 355.72 curbed miles (total mileage of non-Trunkline curbed streets) plus Trunkline Sweeps bid of 27.20 curbed miles (total mileage of Trunkline curbed streets, to include paved shoulders) times four (the number of sweeps) for a total of

\$ 113,662.24

Further, this contract may be extended for one (1) year if both parties agree.

Date: MARCH 8, 2002

Signed:

 (JRI-US)
Owner/Officer of Contractor

BID PROPOSAL

TO: THE CITY OF MUSKEGON

The undersigned bidder proposes to do all the work for the **STREET SWEEPING CONTRACT** for the contract years 2002, 2003, and 2004, to the extent and in the manner set forth in the contract documents, for the following bid prices:

Regular Sweeps (355.72 miles of non-Trunkline curbed and uncurbed paved streets and paved shoulders) - \$ 98.25 per curb-mile

Trunkline Sweeps (27.20 miles of curbed and uncurbed paved streets and paved shoulders) - \$ 157.00 per curb-mile

(M46, Apple Avenue from Shonat Street west to Muskegon Avenue, 10.00 curbed miles.)

(Business Route 96 from Bayou Street to Sherman Boulevard, to include uncurbed paved shoulders, 17.20 curbed and uncurbed miles.)

Special Requests - \$ 110.00 per hour

The annual bid price for this contract shall be the Regular Sweep bid of 355.72 curbed miles (total mileage of non-Trunkline curbed streets) plus Trunkline Sweeps bid of 27.20 curbed miles (total mileage of Trunkline curbed streets, to include paved shoulders) times four (the number of sweeps) for a total of

\$ 156,879.56

Further, this contract may be extended for one (1) year if both parties agree.

Date: 3-11-02

Signed:

Jeff Schulte (Sanisweep)
Owner/Officer of Contractor

Date: March 19, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Umpire Contract

SUMMARY OF REQUEST:

To approve a contract with Shoreline Sports Officials Association for providing umpires and sports officials for various sports programs.

FINANCIAL IMPACT:

Approximately \$30,000 annually

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The 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

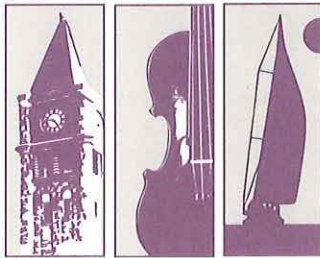
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

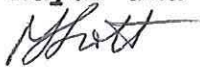
MUSKEGON



West Michigan's Shoreline City

Date: March 19, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Umpires Contract

Bids were solicited for groups to provide officials for various sports programs for the City of Muskegon. Two proposals were received. However, one proposal was withdrawn.

Consequently, staff is recommending that you approve an agreement with the Shoreline Sports Officials Association to provide umpires and sports officials for various City of Muskegon sports activities. The annual cost is about \$30,000 depending on the number of games played. This is included within the Recreation budget. This is the Association that the City has been working with for many years.

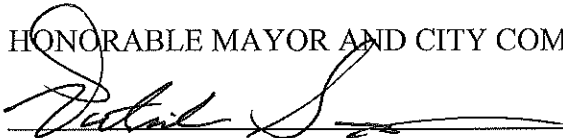
The Leisure Services Board recommended approval of the agreement. Staff would recommend that you approve this agreement for four years.

Thank you for your consideration.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSION

FROM: 
Patrick Simpson, Fire Chief

DATE: March 19, 2002

SUBJ: **Request for Permission to Apply for 2002 USFA Grant**

SUMMARY OF REQUEST:

The Fire Department is requesting City Commission permission to apply for 2002 United States Fire administration "Assistance to Firefighters Grant Program" to provide public fire safety programs to children 14 and under and citizens 65 and older.

FINANCIAL IMPACT:

\$10,000 "in kind" match through 1000 hours of staff time.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION

Staff recommends approval of grant application to USFA for public fire safety programs.

COMMITTEE RECOMMENDATION:

March 19, 2002

Honorable Mayor and City Commission
Through the City Manager

Re: 2002 United States Fire Administration Grant Request

Dear Mayor and Commissioners:

I am requesting permission to submit for the 2002 United States Fire Administration "Assistance to Firefighters Grant Program". These grants through FEMA provide funds to the local jurisdictions for programs to both protect citizens and our firefighters.

For 2002, our program "All Ways Safe" is a public fire safety program to deliver additional programs to children 14 and under and persons 65 and older. Additionally, we propose a program to provide 1000 fire smoke detectors to needy households, or provide batteries to such households where smoke detectors are present but need batteries.

The anticipated result will be a 10% reduction in the number of fires, fire injuries, and fire deaths in households with children 14 and under and households with citizens 65 and older.

Proposed \$100,000.00 grant will require a 10% local match. This will be accomplished through "in kind" match of 1000 hours of staff time to deliver the program. There is no additional department staff requested, since existing personnel can provide this level of delivery.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Simpson", with a long horizontal flourish extending to the right.

Patrick Simpson
Fire Chief

Commission Meeting Date: March 26, 2002

*Needs
2nd Reading*

Date: March 19, 2002

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *CBC*

RE: Ordinance No. 757 Amendment

SUMMARY OF REQUEST: To approve the attached ordinance amendment to clarify the definition of "elderly persons" to be the same definition as the Michigan State Housing Development Authority ("Authority") definition. MSHDA interprets "elderly persons" as being 55-years-of-age or older. The former City interpretation was 62-years-of-age or older.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Ordinance amending Ordinance No. 757 and authorize the Clerk to sign.

COMMITTEE RECOMMENDATION:

Date: March 19, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Great Lakes Naval Memorial and Museum
Request

SUMMARY OF REQUEST:

To Authorize the Great Lakes Naval Memorial and Museum to submit a Coastal Management Grant for the rehabilitation of the LST.

FINANCIAL IMPACT:

\$60,000

BUDGET ACTION REQUIRED:

None, the Museum will provide the match

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
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FAX/724-4178

Comm. & Neigh.
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FAX/726-2501

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FAX/727-6904

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FAX/722-4301

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FAX/724-1196

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Mayor's Office
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FAX/722-1214

Inspection Services
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FAX/726-2501

Planning/Zoning
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FAX/724-6790

Police Dept.
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FAX/722-5140

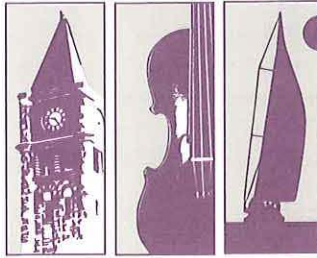
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FAX/722-4188

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 19, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott

Re: Great Lakes Naval Memorial and Museum Request

The Great Lakes Naval Memorial and Museum is seeking your authorization to submit a grant application on the City's behalf to the Coastal Management Program for renovations to the LST. The Coastal Management Program requires that construction projects be submitted by the city, not a non-profit organization.

The Great Lakes Naval Memorial and Museum wants to fabricate gun tubes and install them aboard the LST 393. They would also like to re-open the bow doors that have been welded shut, and install removable viewing and door glass. The estimated cost is \$60,000. The grant is a 50-50 matching grant and the Museum would provide the \$30,000 match.

I would ask that you adopt the attached resolution and authorize the Great Lakes Naval Memorial and Museum to submit the application on behalf of the City.

Thank you for your consideration.

RESOLUTION NO. 2002-38(o)
MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
USS LST 393 RESTORATION**

WHEREAS, the City of Muskegon wishes to support the Great Lakes Naval Memorial and Museum in restoring the USS LST 393; and

WHEREAS, funding is available from the U.S. Department of the Interior through the Coastal Management Program; and

WHEREAS, total project costs are estimated at \$60,000, 50% of which would be funded by the Coastal Program and 50% would be local match;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approve the submission of the grant application by the Great Lakes Naval Memorial and Museum to the Coastal Management Program in the amount of \$60,000 for the restoration of the USS LST 393 and commits that the local match shall be provided if the project is funded.

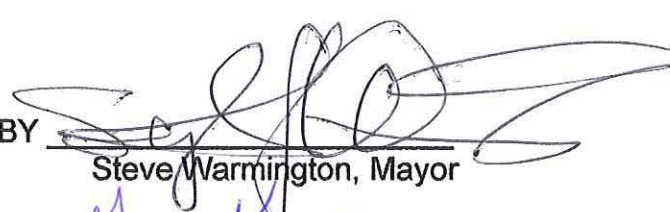
Adopted this 26th day of March, 2002.

AYES: Shepherd, Spataro, Warmington, Buie, Gawron, Schweifler

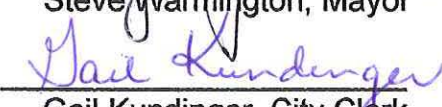
NAYS: None

ABSENT: Larson

BY


Steve Warmington, Mayor

ATTEST

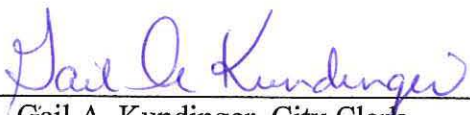

Gail Kunding, City Clerk

CERTIFICATION
2002-38(o)

This resolution was adopted at a regular meeting of the City Commission, held on March 26, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderinger, City Clerk

Date: March 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Terrace Street from Irwin to Iona

SUMMARY OF REQUEST:

The Terrace Street contract (H-1547, W-627 & S-572) be awarded to Wadel Stabilization Inc. out of Hart since they were the lowest (see bid tabulation) responsible bidder with a bid price of \$517,322.23 (see attached bid tabulation).

FINANCIAL IMPACT:

The construction cost of \$517,322.23 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Wadel Stabilization inc.

COMMITTEE RECOMMENDATION:

H-1547, W-627, S-572 TERRACE ST. IRWIN AVE. to IONA AVE.

BID TABULATION

	DESCRIPTION	QUANTITY	UNIT	JACKSON MERKEY		KAMMINGA		MILBOCKER		OPPER		WADEL		LODESTAR	
				UNIT PRICE	TOTAL PRICE	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	\$410.00	\$4,510.00	\$400.00	\$4,400.00	\$275.00	\$3,025.00	\$80.00	\$880.00	\$275.00	\$3,025.00	\$250.00	\$2,750.00
2	AGGREGATE BASE COURSE 22A @ 8" C.I.P.	5738	SQ.YD.	\$5.10	\$29,263.80	\$6.00	\$34,428.00	\$6.80	\$39,016.40	\$6.98	\$40,051.24	\$4.50	\$25,821.00	\$5.00	\$28,690.00
3	BENDS D.C.I. 6" 45° M.J.	12	EACH	\$210.00	\$2,520.00	\$220.00	\$2,640.00	\$200.00	\$2,400.00	\$242.00	\$2,904.00	\$200.00	\$2,400.00	\$225.00	\$2,700.00
4	BENDS D.C.I. 8" 45° M.J.	50	EACH	\$255.00	\$12,750.00	\$260.00	\$13,000.00	\$235.00	\$11,750.00	\$356.00	\$17,800.00	\$250.00	\$12,500.00	\$250.00	\$12,500.00
5	BIT. LEVELING MIX 3C @ 165#/S.Y.	503	TON	\$37.35	\$18,787.05	\$38.00	\$19,114.00	\$37.50	\$18,862.50	\$48.00	\$24,144.00	\$37.32	\$18,771.96	\$38.05	\$19,139.15
6	BIT. TOP MIX 4C @ 165#/S.Y.	503	TON	\$39.75	\$19,994.25	\$40.00	\$20,120.00	\$40.00	\$20,120.00	\$50.00	\$25,150.00	\$39.74	\$19,989.22	\$40.55	\$20,396.65
7	CATCH BASIN CASTING E.J.#7045 OR EQUAL	11	EACH	\$490.00	\$5,390.00	\$550.00	\$6,050.00	\$500.00	\$5,500.00	\$350.00	\$3,850.00	\$425.00	\$4,675.00	\$625.00	\$6,875.00
8	CATCH BASIN STD.	11	EACH	\$1,260.00	\$13,860.00	\$1,200.00	\$13,200.00	\$1,050.00	\$11,550.00	\$150.00	\$1,650.00	\$1,250.00	\$13,750.00	\$750.00	\$8,250.00
9	CEMENT	5	TON	\$150.00	\$750.00	\$200.00	\$1,000.00	\$150.00	\$750.00	\$300.00	\$1,500.00	\$200.00	\$1,000.00	\$157.50	\$787.50
10	CONC. CURB & GUTTER F-4 MOD.	3011	LIN. FT.	\$7.60	\$22,883.60	\$12.00	\$36,132.00	\$7.60	\$22,883.60	\$8.50	\$25,593.50	\$10.00	\$30,110.00	\$7.95	\$23,937.45
11	CONC. DRIVE APPROACH 6" STD.	469	SQ.YD.	\$24.20	\$11,349.80	\$27.00	\$12,663.00	\$24.20	\$11,349.80	\$4.00	\$1,876.00	\$32.00	\$15,008.00	\$25.40	\$11,912.60
12	CONC. SIDEWALK 4"	6003	SQ.FT.	\$1.85	\$11,105.55	\$2.00	\$12,006.00	\$1.85	\$11,105.55	\$3.50	\$21,010.50	\$2.35	\$14,107.05	\$1.95	\$11,705.85
13	CONC. SIDEWALK 6"	600	SQ.FT.	\$3.00	\$1,800.00	\$3.00	\$1,800.00	\$3.00	\$1,800.00	\$3.75	\$2,250.00	\$3.50	\$2,100.00	\$3.15	\$1,890.00
14	CORP. STOP 1" MUELLER #15000 OR EQUAL	35	EACH	\$210.00	\$7,350.00	\$300.00	\$10,500.00	\$165.00	\$5,775.00	\$250.00	\$8,750.00	\$450.00	\$15,750.00	\$200.00	\$7,000.00
15	CROSS D.C.I. 8"x 8" M.J.	4	EACH	\$415.00	\$1,660.00	\$650.00	\$2,600.00	\$380.00	\$1,520.00	\$465.50	\$1,862.00	\$450.00	\$1,800.00	\$400.00	\$1,600.00
16	CURB STOP 1" W/ BOX MUELLER #15150 OR EQUAL	29	EACH	\$235.00	\$6,815.00	\$270.00	\$7,830.00	\$100.00	\$2,900.00	\$120.00	\$3,480.00	\$450.00	\$13,050.00	\$225.00	\$6,525.00
17	CURB STOP 2" W/ BOX FORD B44-777M OR EQUAL	1	EACH	\$345.00	\$345.00	\$350.00	\$350.00	\$250.00	\$250.00	\$234.00	\$234.00	\$750.00	\$750.00	\$500.00	\$500.00
18	FILL EXIST. SAN. SEWER WITH FLOWABLE FILL	614	LIN. FT.	\$3.80	\$2,333.20	\$7.00	\$4,298.00	\$3.00	\$1,842.00	\$3.25	\$1,995.50	\$2.50	\$1,535.00	\$3.25	\$1,995.50
19	HYDRANT STD.	5	EACH	\$1,335.00	\$6,675.00	\$1,400.00	\$7,000.00	\$1,650.00	\$8,250.00	\$1,950.00	\$9,750.00	\$1,550.00	\$7,750.00	\$1,500.00	\$7,500.00
20	MACHINE GRADING MOD.	14.63	STA.	\$745.00	\$10,899.35	\$4,200.00	\$61,446.00	\$1,850.00	\$27,065.50	\$350.00	\$5,120.50	\$500.00	\$7,315.00	\$3,250.00	\$47,547.50
21	MANHOLE CASTING E.J.#1000 OR EQUAL	19	EACH	\$485.00	\$9,215.00	\$450.00	\$8,550.00	\$500.00	\$9,500.00	\$425.00	\$8,075.00	\$550.00	\$10,450.00	\$525.00	\$9,975.00
22	MANHOLE STD. 4' I.D. 0' TO 12' DEEP	8	EACH	\$1,360.00	\$10,880.00	\$1,200.00	\$9,600.00	\$1,525.00	\$12,200.00	\$1,550.00	\$12,400.00	\$1,750.00	\$14,000.00	\$900.00	\$7,200.00
23	RECONSTRUCTING MANHOLE	2	V.FT.	\$450.00	\$900.00	\$300.00	\$600.00	\$510.00	\$1,020.00	\$85.00	\$170.00	\$375.00	\$750.00	\$350.00	\$700.00
24	REDUCERS 8" TO 6" D.C.I. M.J.	11	EACH	\$195.00	\$2,145.00	\$300.00	\$3,300.00	\$200.00	\$2,200.00	\$325.00	\$3,575.00	\$200.00	\$2,200.00	\$150.00	\$1,650.00
25	REMOVING CATCH BASIN	11	EACH	\$510.00	\$5,610.00	\$300.00	\$3,300.00	\$210.00	\$2,310.00	\$450.00	\$4,950.00	\$350.00	\$3,850.00	\$425.00	\$4,675.00
26	REMOVING CONC. DRIVE APPROACH	432	SQ.YD.	\$8.75	\$3,780.00	\$6.00	\$2,592.00	\$5.00	\$2,160.00	\$4.50	\$1,944.00	\$4.50	\$1,944.00	\$10.00	\$4,320.00
27	REMOVING CONC. SIDEWALK	6153	SQ.FT.	\$1.10	\$6,768.30	\$1.00	\$6,153.00	\$0.50	\$3,076.50	\$2.50	\$15,382.50	\$0.75	\$4,614.75	\$5.00	\$30,765.00
28	REMOVING SANITARY MANHOLE	17	EACH	\$630.00	\$10,710.00	\$450.00	\$7,650.00	\$225.00	\$3,825.00	\$350.00	\$5,950.00	\$650.00	\$11,050.00	\$425.00	\$7,225.00
29	REMOVING STORM MANHOLE	4	EACH	\$630.00	\$2,520.00	\$300.00	\$1,200.00	\$210.00	\$840.00	\$250.00	\$1,000.00	\$300.00	\$1,200.00	\$375.00	\$1,500.00
30	REMOVING WATER VALVE MANHOLE	8	EACH	\$630.00	\$5,040.00	\$300.00	\$2,400.00	\$210.00	\$1,680.00	\$300.00	\$2,400.00	\$300.00	\$2,400.00	\$375.00	\$3,000.00
31	REMOVING PAVEMENT	6354	SQ.YD.	\$4.85	\$30,816.90	\$3.00	\$19,062.00	\$5.85	\$37,170.90	\$4.50	\$28,593.00	\$5.25	\$33,358.50	\$10.00	\$63,540.00
32	SANITARY SEWER SERVICE 6" SDR 35	794	LIN. FT.	\$28.00	\$22,232.00	\$22.00	\$17,468.00	\$36.00	\$28,584.00	\$40.00	\$31,760.00	\$26.00	\$20,644.00	\$25.00	\$19,850.00
33	SANITARY SEWER 8" SDR 35	611	LIN. FT.	\$43.00	\$26,273.00	\$30.00	\$18,330.00	\$20.00	\$12,220.00	\$50.00	\$30,550.00	\$24.00	\$14,664.00	\$25.00	\$15,275.00
34	SANITARY SEWER 10" SDR 35	1499	LIN. FT.	\$46.00	\$68,954.00	\$32.00	\$47,968.00	\$22.50	\$33,727.50	\$45.00	\$67,455.00	\$28.00	\$41,972.00	\$30.00	\$44,970.00
35	SANITARY SEWER WYE 8"x 6" SDR 35	11	EACH	\$70.00	\$770.00	\$300.00	\$3,300.00	\$95.00	\$1,045.00	\$125.00	\$1,375.00	\$150.00	\$1,650.00	\$125.00	\$1,375.00
36	SANITARY SEWER WYE 10"x 6" SDR 35	20	EACH	\$100.00	\$2,000.00	\$300.00	\$6,000.00	\$100.00	\$2,000.00	\$140.00	\$2,800.00	\$200.00	\$4,000.00	\$150.00	\$3,000.00
37	SLEEVES LONG 6" D.C.I. M.J.	9	EACH	\$650.00	\$5,850.00	\$600.00	\$5,400.00	\$310.00	\$2,790.00	\$350.00	\$3,150.00	\$1,500.00	\$13,500.00	\$400.00	\$3,600.00
38	SLEEVES LONG 8" D.C.I. M.J.	2	EACH	\$775.00	\$1,550.00	\$600.00	\$1,200.00	\$500.00	\$1,000.00	\$450.00	\$900.00	\$1,500.00	\$3,000.00	\$475.00	\$950.00
39	STORM SEWER 10" SDR 35	418	LIN. FT.	\$20.00	\$8,360.00	\$20.00	\$8,360.00	\$20.00	\$8,360.00	\$45.00	\$18,810.00	\$32.00	\$13,376.00	\$25.00	\$10,450.00
40	TAP 2" W/ CORP. STOP PER DETAIL	1	EACH	\$460.00	\$460.00	\$400.00	\$400.00	\$1,400.00	\$1,400.00	\$450.00	\$450.00	\$750.00	\$750.00	\$525.00	\$525.00
41	TEE D.C.I. 8" x 8" x 8" M.J.	5	EACH	\$250.00	\$1,250.00	\$400.00	\$2,000.00	\$300.00	\$1,500.00	\$225.00	\$1,125.00	\$350.00	\$1,750.00	\$275.00	\$1,375.00
42	TEE D.C.I. 8" x 8" x 8" M.J.	1	EACH	\$285.00	\$285.00	\$350.00	\$350.00	\$350.00	\$350.00	\$290.00	\$290.00	\$400.00	\$400.00	\$300.00	\$300.00
43	TERRACE GRADING	1463	LIN. FT.	\$7.60	\$11,118.80	\$15.00	\$21,945.00	\$14.00	\$20,482.00	\$15.40	\$22,530.20	\$9.75	\$14,264.25	\$20.00	\$29,260.00
44	TRAFFIC CONTROL	1	LUMP	\$12,670.00	\$12,670.00	\$25,000.00	\$25,000.00	\$8,000.00	\$8,000.00	\$7,500.00	\$7,500.00	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00
45	VALVE 6" GATE M.J. W/BOX	5	EACH	\$545.00	\$2,725.00	\$600.00	\$3,000.00	\$900.00	\$4,500.00	\$648.00	\$3,240.00	\$600.00	\$3,000.00	\$550.00	\$2,750.00
46	VALVE 8" GATE M.J. W/BOX	14	EACH	\$735.00	\$10,290.00	\$800.00	\$11,200.00	\$1,000.00	\$14,000.00	\$675.00	\$9,450.00	\$800.00	\$11,200.00	\$675.00	\$9,450.00
47	WATERMAIN 6" D.C.I. CL. 52	115	LIN. FT.	\$24.50	\$2,817.50	\$25.00	\$2,875.00	\$65.00	\$7,475.00	\$60.00	\$6,900.00	\$23.50	\$2,702.50	\$20.00	\$2,300.00
48	WATERMAIN 8" D.C.I. CL. 52	1890	LIN. FT.	\$34.75	\$65,677.50	\$30.00	\$56,700.00	\$42.60	\$80,514.00	\$50.00	\$94,500.00	\$25.50	\$48,195.00	\$25.00	\$47,250.00
49	WATER METER PIT COMPLETE	5	EACH	\$785.00	\$4,710.00	\$600.00	\$3,600.00	\$525.00	\$3,150.00	\$420.00	\$2,520.00	\$750.00	\$4,500.00	\$500.00	\$3,000.00
50	WATER SERVICE 1" TYPE "K" COPPER	1290	LIN. FT.	\$16.20	\$20,898.00	\$16.00	\$20,640.00	\$20.50	\$26,445.00	\$20.00	\$25,800.00	\$4.00	\$5,160.00	\$20.00	\$25,800.00
51	WATER SERVICE 2" TYPE "K" COPPER	19	LIN. FT.	\$27.00	\$513.00	\$20.00	\$380.00	\$100.00	\$1,900.00	\$25.00	\$475.00	\$30.00	\$570.00	\$40.00	\$760.00
TERRACE TOTAL					\$548,830.60		\$591,100.00		\$543,142.25		\$615,870.94		\$517,322.23		\$590,992.20

H-1547, W-627 & S-572 TERRACE ST. IRWIN to IONA

STREET, WATERMAIN & SEWER IMPROVEMENTS

ENGINEER'S ESTIMATE JANUARY 28, 2002

	DESCRIPTION	QUANTITY	UNIT	PRICE	PRICE
1	ADJUST MANHOLE CASTING	11	EACH	\$350.00	\$3,850.00
2	AGGREGATE BASE COURSE 22A @ 8" C.I.P.	5738	SQ.YD.	\$5.00	\$28,690.00
3	BENDS D.C.I. 6" 45° M.J.	12	EACH	\$150.00	\$1,800.00
4	BENDS D.C.I. 8" 45° M.J.	50	EACH	\$200.00	\$10,000.00
5	BIT. LEVELING MIX 3C @ 165#/S.Y.	503	TON	\$35.00	\$17,605.00
6	BIT. TOP MIX 4C @ 165#/S.Y.	503	TON	\$40.00	\$20,120.00
7	CATCH BASIN CASTING E.J.#7045 OR EQUAL	11	EACH	\$550.00	\$6,050.00
8	CATCH BASIN STD.	11	EACH	\$1,300.00	\$14,300.00
9	CEMENT	5	TON	\$175.00	\$875.00
10	CONC. CURB & GUTTER F-4 MOD.	3011	LIN. FT.	\$9.00	\$27,099.00
11	CONC. DRIVE APPROACH 6" STD.	469	SQ.YD.	\$30.00	\$14,070.00
12	CONC. SIDEWALK 4"	6003	SQ.FT.	\$3.00	\$18,009.00
13	CONC. SIDEWALK 6"	600	SQ.FT.	\$4.00	\$2,400.00
14	CORP. STOP 1" MUELLER #15000 OR EQUAL	35	EACH	\$200.00	\$7,000.00
15	CROSS D.C.I. 8"x 8" M.J.	4	EACH	\$320.00	\$1,280.00
16	CURB STOP 1" W/ BOX MUELLER #15150 OR EQUAL	29	EACH	\$200.00	\$5,800.00
17	CURB STOP 2" W/ BOX FORD B44-777M OR EQUAL	1	EACH	\$300.00	\$300.00
18	FILL EXIST. SAN. SEWER WITH FLOWABLE FILL	614	LIN. FT.	\$8.00	\$4,912.00
19	HYDRANT STD.	5	EACH	\$1,300.00	\$6,500.00
20	MACHINE GRADING MOD.	14.63	STA.	\$500.00	\$7,315.00
21	MANHOLE CASTING E.J.#1000 OR EQUAL	19	EACH	\$400.00	\$7,600.00
22	MANHOLE STD. 4' I.D. 0' TO 10' DEEP	8	EACH	\$1,500.00	\$12,000.00
23	RECONSTRUCTING MANHOLE	2	V.FT.	\$300.00	\$600.00
24	REDUCERS 8" TO 6" D.C.I. M.J.	11	EACH	\$260.00	\$2,860.00
25	REMOVING CATCH BASIN	11	EACH	\$500.00	\$5,500.00
26	REMOVING CONC. DRIVE APPROACH	432	SQ.YD.	\$10.00	\$4,320.00
27	REMOVING CONC. SIDEWALK	6153	SQ.FT.	\$1.00	\$6,153.00
28	REMOVING SANITARY MANHOLE	17	EACH	\$500.00	\$8,500.00
29	REMOVING STORM MANHOLE	4	EACH	\$500.00	\$2,000.00
30	REMOVING WATER VALVE MANHOLE	8	EACH	\$500.00	\$4,000.00
31	REMOVING PAVEMENT	6354	SQ.YD.	\$12.00	\$76,248.00
32	SANITARY SEWER SERVICE 6" SDR 35	794	LIN. FT.	\$28.00	\$22,232.00
33	SANITARY SEWER 8" SDR 35	611	LIN. FT.	\$30.00	\$18,330.00
34	SANITARY SEWER 10" SDR 35	1499	LIN. FT.	\$32.00	\$47,968.00
35	SANITARY SEWER WYE 8"x 6" SDR 35	11	EACH	\$100.00	\$1,100.00
36	SANITARY SEWER WYE 10"x 6" SDR 35	20	EACH	\$150.00	\$3,000.00
37	SLEEVES LONG 6" D.C.I. M.J.	9	EACH	\$270.00	\$2,430.00
38	SLEEVES LONG 8" D.C.I. M.J.	2	EACH	\$280.00	\$560.00
39	STORM SEWER 10" SDR 35	418	LIN. FT.	\$20.00	\$8,360.00
40	TAP 2" W/ CORP. STOP PER DETAIL	1	EACH	\$750.00	\$750.00
41	TEE D.C.I. 8" x 8" x 6" M.J.	5	EACH	\$350.00	\$1,750.00
42	TEE D.C.I. 8" x 8" x 8" M.J.	1	EACH	\$370.00	\$370.00
43	TERRACE GRADING	1463	LIN. FT.	\$10.00	\$14,630.00
44	TRAFFIC CONTROL	1	LUMP	\$10,000.00	\$10,000.00
45	VALVE 6" GATE M.J. W/BOX	5	EACH	\$650.00	\$3,250.00
46	VALVE 8" GATE M.J. W/BOX	14	EACH	\$790.00	\$11,060.00
47	WATERMAIN 6" D.C.I. CL. 52	115	LIN. FT.	\$25.00	\$2,875.00
48	WATERMAIN 8" D.C.I. CL. 52	1890	LIN. FT.	\$30.00	\$56,700.00
49	WATER METER PIT COMPLETE	6	EACH	\$550.00	\$3,300.00
50	WATER SERVICE 1" TYPE "K" COPPER	1290	LIN. FT.	\$25.00	\$32,250.00
51	WATER SERVICE 2" TYPE "K" COPPER	19	LIN. FT.	\$30.00	\$570.00
	SUBTOTAL				\$569,241.00
	20% ENGINEERING				\$113,848.20
	TOTAL				\$683,089.20

Date: March 26, 2002

To: Honorable Mayor and City Commissioners

From: Engineering

RE: City – MDOT Agreement for:
US-31BR from Southern to Sherman

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the Milling & Resurfacing along with joint repairs on US-31BR from Southern to Sherman, limits of that section of the project that is within the City). 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 in that section that of the project that falls within the City's limits. The City's share is estimated at \$50,100 but not more than 11.25% of eligible cost. The total estimated cost of the project is \$2,010,8000.

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 2002-38(q)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE MILLING & RESURFACING OF US-31BR FROM SOUTHERN TO SHERMAN TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Schweifler and supported by

Commissioner Spataro that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **02-5009** between the Michigan Department of Transportation and the City of Muskegon for the resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd. within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **02-5009** 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.

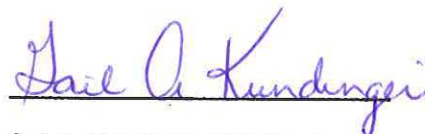
Adopted this 26th day of March, 2002.

BY



Stephen J. Warmington, Mayor

ATTEST



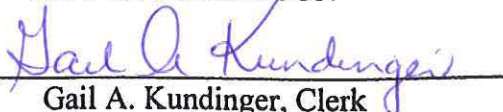
Gail A. Kunding, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on March 26, 2002. 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

FEDERAL AID PROGRESS PAYMENT

DAB

Control Section NH 61151; M 61151; CM 61151
Job Number 45809; 56651; 52663
Federal Item HH 3105; RR 3083
Federal Project NH 0261(322); CM 0261(323)
Contract 02-5009

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 construction improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the parties hereto anticipate that payments by them and contributions by agencies of the Federal Government or other sources will be sufficient to pay the cost of construction or reconstruction of that which is hereinafter referred to as the "PROJECT" and which is located and described as follows:

PART A - JOB #45809

Bituminous cold milling and resurfacing work on Highway US-31BR from south of West Southern Avenue southerly to West Sherman Boulevard; including concrete pavement removal and replacement; together with necessary related work; located within the corporate limits of the CITY.

PART B - JOB #56651

Bituminous cold milling and resurfacing work on southbound Highway US-31BR between 8th Street and West Southern Avenue and on northbound Highway US-31BR between 9th Street and West Southern Avenue; together with necessary related work; located within the corporate limits of the CITY.

PART C - JOB #52663

Construction of an indirect left-turn lane southbound to northbound and extension for southbound right-turn lane between West Southern Avenue and Shoreline Drive on Highway US-31BR; 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	\$1,578,400
PART B	\$ 90,600
PART C	<u>\$ 341,800</u>
TOTAL	\$2,010,800

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 PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PROJECT COST 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:

DEPARTMENT -	88.75%
CITY -	11.25%

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

	TOTAL ESTIMATED COST	FED AID	BALANCE AFTER FEDERAL AID	DEPT'S SHARE	CITY'S SHARE
PART A	\$1,578,400	\$1,291,900	\$286,500	\$254,300	\$32,200
PART B	\$ 90,600	\$ -0-	\$ 90,600	\$ 80,400	\$10,200
PART C	\$ 341,800	\$ 273,400	\$ 68,400	\$ 60,700	\$ 7,700
TOTAL	\$2,010,800	\$1,565,300	\$445,500	\$395,400	\$50,100

Participation, if any, by the CITY in the acquisition of trunkline right-of-way 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.

6. 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.

7. 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.

8. 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 required payments as specified herein.

9. 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 moneys thereafter allocated by law to the CITY from the Michigan transportation Fund sufficient moneys to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

10. 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.

11. This contract is not intended to increase or decrease either party's liability, or immunity from, tort claims.

12. All of the PROJECT work shall be done by the DEPARTMENT.

13. 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. 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.

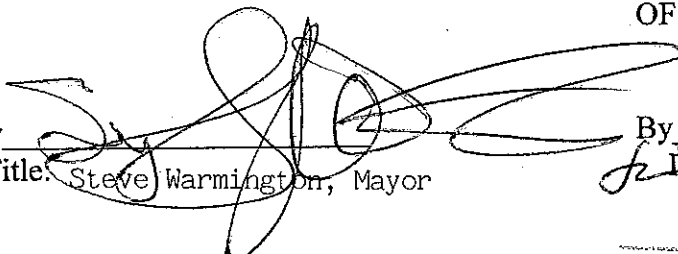
14. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials 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.

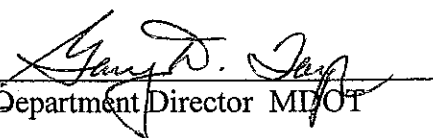
CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

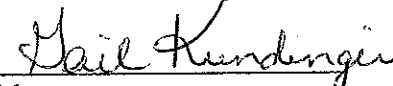
By

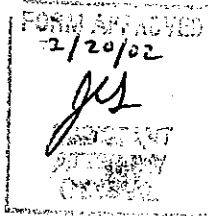

Title: Steve Warmington, Mayor

By


Department Director MDOT

By


Title: Gail Kunderger, 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.

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.

AGENDA ITEM

**CITY COMMISSION MEETING
March 26, 2002**

TO: Honorable Mayor and City Commissioners
FROM: Gail Kunding, City Clerk
DATE: March 19, 2002
SUBJECT: Policy for Procedure for Acquisition and Disposition of Residential Properties

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee to adopt the policy as presented.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Adoption of the policy.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval.

Memorandum

To: Gail Kunding, City Clerk
From: Lonna Anguilm, Assistant Planner *LA*
Date: 02/18/02
Re: Policy For Procedure for Acquisition and Disposition of Residential Properties

Attached are the proposed changes to the "Policy and Procedure for Acquisition and Disposition of Residential Properties". Please include this item on the agenda for discussion at the next Community Relations Committee meeting in early March.

If you have questions, give me a call. Thanks!

CONFIDENTIAL

POLICY AND PROCEDURE FOR ACQUISITION AND DISPOSITION OF RESIDENTIAL PROPERTIES

2002-39(d)

I. POLICY

The City Commission has set a goal to improve housing stock within our City by encouraging home ownership. In pursuit of this goal, the City has found from time to time, properties are made available to the City through various sources, including offerings of individuals, tax reversion and outright purchase offerings. This policy is intended to set guidelines for the purchase and disposition of these properties. In order to determine the need and appropriateness of acquiring and/or disposing of any property, the City will create a committee to assess the relationship of purchase or disposition to the criteria established.

The purpose of acquisition shall be several, as follows:

1. Prevention of loss of usable, but not maintained housing.
2. Relieve unacceptable neighborhood density.
3. Provide for neighborhood stabilization.
4. Carry out other public purposes.
5. Encouragement of home ownership.
6. Encouragement of Historical Preservation.

II. PROCEDURE

The City will review all tax reverted and vacant property to determine if any of the previously stated purposes can be realized by the purchase, unless it has been reviewed by another appropriate committee. The City will apply the same purposes when offer properties.

Priority of disposition shall be directed toward neighborhood stabilization.

- A. A Land Reutilization Committee shall be formed to be an advisory committee to the City Commission. It shall be the duty of the Land Reutilization Committee to make recommendations to the City Commission relating to the acquisition and disposition using adopted objectives. The committee shall consist of:

Two City Commissioners
One member of a neighborhood improvement organization
One officer of a financial institution
One licensed residential contractor
Two residents of the City at large

The City Manager shall appoint a member to be an Ex Officio member and shall act as Secretary to the Committee and other departments will be consulted as required.

- B. The LRC will review the lists of State reverted property. A determination of feasibility of repair, concurrence to goals, and the marketability of the property.

will be made. No property will be recommended for acquisition that cannot be economically repaired and marketed unless it is determined that the structure is necessary for the stability of the neighborhood. In cases where the market value after repair would be less than the cost of repair, the LRC shall give weight to the effect of the loss of a structure to the stability of the neighborhood. In the case that appears above, the LRC shall determine that sufficient funds are available in various programs or by private sources.

1. The LRC in making recommendation for the disposition of property will follow the policy as stated above.
2. Primary concern will be given to stabilize neighborhoods and encourage homeownership. It is the intent of the City to restore control of property to the residents of the City. Such control generally promotes pride and therefore maintenance of neighborhoods. To that end, the City will give priority to any sale that ensures rehabilitation and/or home ownership.
3. Sale of multi-family properties shall be made as such only when the building conforms to zoning requirements and available parking.
4. Deeds issued by the City will be conditional. A reverter clause will be included to require the buyer to commence construction within 18 months of the date of purchase, or the property will revert to the City.

C. In 1999 the City Commission approved of a new "Policy for Sale of City-Owned Residential Properties". This policy deals more specifically with the sale of residential lots and design criteria for residential building. This policy will remain in force as written.

Adopted March 26, 2002.

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

Nays: None

Absent: Larson



Gail A. Kunderger, City Clerk

AGENDA ITEM

**CITY COMMISSION MEETING
March 26, 2002**

TO: Honorable Mayor and City Commissioners

FROM: Gail Kunding, City Clerk

DATE: March 19, 2002

SUBJECT: Community Relations Committee

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding the following:

Removal of Brian Chapman from the Leisure Services Board

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval of the action.

Kundinger, Gail

March 4th meeting
C.R.C.

From: Chris Jensen [cjensen@promed.net]
Sent: Tuesday, February 26, 2002 3:10 PM
To: Kundinger, Gail
Subject: Bryan Chapman and Billie Bruce

Gail,
I am requesting the replacement of Bryan Chapman on the Leisure Services Board. His frequent absenteeism is affecting the efficiency of the Board.

He has missed a lot of meetings and has not called before or after for an excused absence.

I have tried to reach him numerous times to discuss Board issues and his absenteeism with no response. He doesn't return my phone calls.

I can only assume that there is a lack of commitment and interest on his part and therefore would like him replaced with someone who wants to be involved.

Chris Jensen, Chair
Leisure Services

I received a letter from Larry Spataro about Billie Bruce's absences. I have discussed this with Billie and she will be there from now on. She definitely cares and is involved.

Chris Jensen
759-8498

Date: March 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Southern Ave., Division to Seaway Dr.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Southern Ave., Division to Seaway**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-40(a)

Resolution At First Hearing Creating Special Assessment District
For **Southern Ave., from 194' west of Division to Seaway Dr.**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 26, 2002** 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 26, 2002**, there were 42.62% 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 Warmington and Gawron 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 **46.5%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 26, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

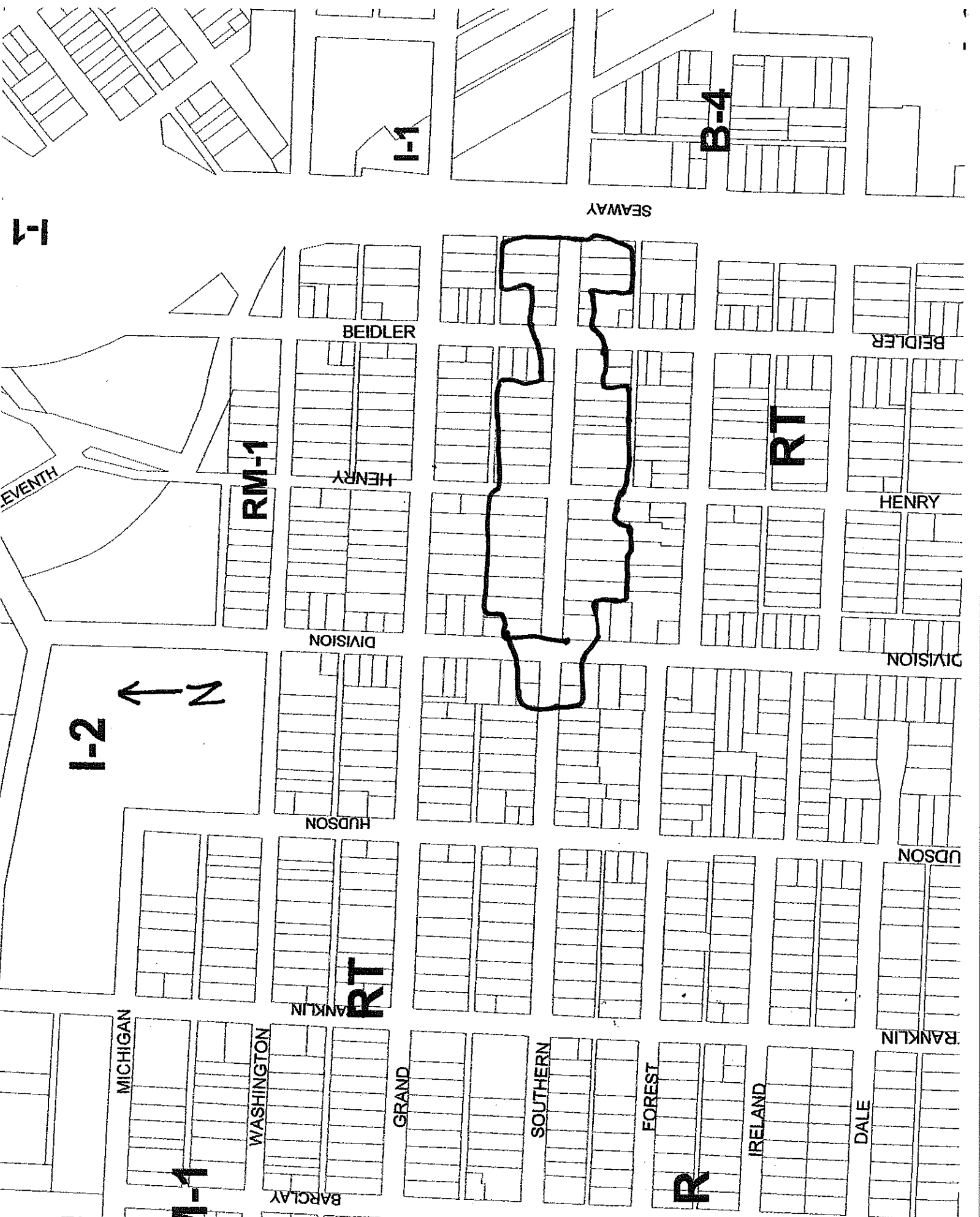
By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Southern Ave., Division to Seaway Dr.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Sherin Southern Ave. from 194'
W. of Division to Seaway Dr.**



I-1

B-4

I-1

SEAWAY

BEIDLER

BEIDLER

HENRY

HENRY

RM-1

RT

DIVISION

DIVISION

HUDSON

HUDSON

RT

RANKLIN

MICHIGAN

WASHINGTON

BARCLAY

GRAND

SOUTHERN

FOREST

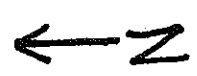
IRELAND

DALE

R

I-1

I-2



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1541 SOUTHERN, 194' W OF DIVISION TO SEAWAY DRIVE

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE **15TH DAY OF MARCH, 2002.**

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29 DAY OF March, 2002.

Jo Ann M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

Jo Ann M. Krukowski
MY COMMISSION EXPIRES 5-13-05

ENGINEERING FEASIBILITY STUDY

For

Southern Ave., Division to Seaway Dr.

The proposed milling and resurfacing of Southern Ave. between Division and Seaway Dr., see attached special assessment district map, was initiated by the City due to the roadway's condition which has reached a critical level. We feel that the proposed work will extend the life of this section of roadway by at least 10-years. On the other hand, waiting much longer could cause additional and more serious distresses which could prevent this type of improvement from being effective and render reconstruction (removing and replacing the pavement) as the only available option. And that would almost double the construction cost as well as that of the assessment.

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

The preliminary cost estimate for the work associated with paving is approximately \$80,000 with the length of the project being approximately 1460 lineal feet or 2067 of assessable front footage. This translates into an estimated improvement cost of \$38.7 per assessable foot. However, based on the 2002 assessment figure for this type of improvement the assessment will not exceed \$18.00 per assessable foot.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

March 13, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Southern Avenue located between Division Street and Seaway Drive. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 13, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$ 18.00 appears reasonable in light of analysis that indicates a probable enhancement of \$18.16. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,


Jerry A Groeneveld, CMAE 3
Senior Appraiser

March 15th, 2002

OWNERS NAME
OWNERS ADDRESS
CITY, MI ZIPCODE

1

Parcel Number: at 24-XXX-XXX-XXXX-XX @ XXXX SOUTHERN

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

Southern, Division to Seaway

The proposed special assessment district will be located as follows:

All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$80,000.00 of which approximately 46.5% (\$37,206.00) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway

Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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: 1542 BEIDLER ST

Parcel Number 24-205-414-0016-00

Assessable Frontage: 25 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$450.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 414
LOT 16

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner	_____	CoOwner/Spouse	_____
Signature	_____	Signature	_____
Address	_____	Address	_____

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

CITY OF MUSKEGON - H 1541
SOUTHERN, SEAWAY TO DIVISION
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ **Expiration Date:** _____

Property Taxes: () Current () Delinquent Year(s) Due _____

(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____

By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**Southern Ave., Division to Seaway Dr.
Ridge St., Gelinside to Cumberland
Leon St., Harrison to Crozier**

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

- **All parcels abutting Southern Ave. between Division and Seaway Dr.**
- **All parcels abutting Ridge St. between Gelinside and Cumberland**
- **All parcels abutting Leon St. between Harrison and Crozier**

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **March 26, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **March 16, 2002**

Gail Kunderinger, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H-1541

MILLING AND RESURFACING

HEARING DATE

MARCH 26th, 2002

Southern, Division to Seaway

24-205-413-0010-20	CHRISTENSON DANIEL L 1044 GREEN ST.	ASSESSABLE FEET:	50
@ 1543 BEIDLER ST	MUSKEGON MI 49442	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00
24-205-413-0012-00	CASTANON EVERARDO 894 W GRAND AVE	ASSESSABLE FEET:	50
@ 750 W SOUTHERN	MUSKEGON MI 49441-298	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00
24-205-413-0013-00	PADILLA ENRIQUE/BELTA 1741 DIVISION AVE	ASSESSABLE FEET:	50
@ 758 W SOUTHERN	MUSKEGON MI 49441	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00
24-205-413-0014-00	TEUNIS ALBERT/NAOMI P 1169 YORKSHIRE	ASSESSABLE FEET:	50
@ 766 W SOUTHERN	MUSKEGON MI 49441	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00
24-205-413-0015-00	BAKER DAVID N/CASSANDRA S 1287 WOODCREST ST	ASSESSABLE FEET:	50
@ 776 W SOUTHERN	MUSKEGON MI 49442-492	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00
24-205-413-0016-00	HUTCHINS SHAREE 262 MAPLE CT	ASSESSABLE FEET:	50
@ 782 W SOUTHERN	MUSKEGON MI 49445	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00
24-205-413-0017-00	HELLER DAN P.O. BOX 181	ASSESSABLE FEET:	50
@ 790 W SOUTHERN	HESPERIA MI 49421	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	\$900.00

Southern, Division to Seaway

24-205-414-0012-00	CITY OF MUSKEGON	ASSESSABLE FEET:	50
	933 TERRACE ST	COST PER FOOT:	\$18.00
@ 682W SOUTHERN	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	<u>\$900.00</u>

24-205-414-0013-00	OLEJARCZYK MARION	ASSESSABLE FEET:	50
	690 W SOUTHERN AVE	COST PER FOOT:	\$18.00
@ 690W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$900.00</u>

24-205-414-0014-00	BANKERS TRUST CO OF CALIF	ASSESSABLE FEET:	50
	1 E 4TH ST MAIL 198D	COST PER FOOT:	\$18.00
@ 696W SOUTHERN	CINCINNATI OH 45202	<u>ESTIMATED P.O. COST:</u>	<u>\$900.00</u>

24-205-414-0015-00	STATE OF MICHIGAN	ASSESSABLE FEET:	50
	PO BOX 30735	COST PER FOOT:	\$18.00
@ 704W SOUTHERN	LANSING MI 48909-823	<u>ESTIMATED P.O. COST:</u>	<u>\$900.00</u>

24-205-414-0016-00	KAMP THOMAS R	ASSESSABLE FEET:	50
	17550 WOODLAND LANE	COST PER FOOT:	\$18.00
@ 1542 BEIDLER ST	NUNICA MI 49448	<u>ESTIMATED P.O. COST:</u>	<u>\$900.00</u>

24-205-433-0001-00	LUNA JOSE L	ASSESSABLE FEET:	25
	1560 BEIDLER	COST PER FOOT:	\$18.00
@ 1560 BEIDLER	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$450.00</u>

24-205-433-0005-00	LUNA JOSE L	ASSESSABLE FEET:	50
	1560 BEIDLER ST	COST PER FOOT:	\$18.00
@ 705W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$900.00</u>

Southern, Division to Seaway

24-205-433-0006-00	WILLACKER JOAN L 695 W SOUTHERN AVE @ 695W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-433-0007-00	S A F ENTERPRISES L L C 670 GLENWOOD AVE @ 687W SOUTHERN MUSKEGON MI 49445	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-433-0008-00	S A F ENTERPRISES LLC 670 GLENWOOD AVE @ 679W SOUTHERN MUSKEGON MI 49445	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-434-0001-00	CITY OF MUSKEGON 933 TERRACE ST @ 791W SOUTHERN MUSKEGON MI 49443	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-434-0002-00	PARISH JACQUELINE 781 W SOUTHERN @ 781W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 100 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,800.00
24-205-434-0004-00	MAY PROPERTY MGMT LLC 3947 NORTON HILLS RD @ 767W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 25 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$450.00
24-205-434-0004-10	MAY PROPERTY MGMT LLC 3947 NORTON HILLS RD @ 763W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 25 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$450.00

Southern, Division to Seaway

24-205-434-0005-00	HIDALGO JOHN 759 W SOUTHERN AVE @ 759 W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-434-0006-00	BECKER DANIEL/SANDRA 749 W SOUTHERN @ 749 W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-434-0008-00	WEST CHRISTOPHER 4276 E APPLE AVE @ 1561 BEIDLER ST MUSKEGON MI 49442	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$900.00
24-205-486-0015-10	CITY OF MUSKEGON 933 TERRACE ST @ 880 W SOUTHERN MUSKEGON MI 49443	ASSESSABLE FEET: 33 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$594.00
24-205-487-0008-10	MCINTYRE SUZANNE/BUTTERM 862 W SOUTHERN AVE @ 862 W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
24-205-487-0009-00	BURGHER ANDREW S 852 W SOUTHERN AVE @ 852 W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
24-205-487-0010-00	CAMPBELL SCOTT/RENEE 846 W SOUTHERN AVE @ 846 W SOUTHERN MUSKEGON MI 49441	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00

Southern, Division to Seaway

24-205-487-0011-00	SMITH JEFFREY D 1586 JEFFERSON	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 834 W SOUTHERN	MUSKEGON MI 49441	
24-205-487-0012-00	JOSEPH JOHN P 13717 104TH AVE	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 828 W SOUTHERN	GRAND HAVEN MI 49417	
24-205-487-0013-00	BOLEMA BERNARD L/ET AL 1230 E LAKETON AVE	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 820 W SOUTHERN	MUSKEGON MI 49442	
24-205-487-0014-00	BOLEMA BERNARD L/ET AL 1230 E LAKETON AVE	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 810 W SOUTHERN	MUSKEGON MI 49442	
24-205-488-0001-00	MULREADY CONSTANCE 920 PETRIE AVE.	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 809 W SOUTHERN	MUSKEGON MI 49441	
24-205-488-0002-00	MOSELER DAVID W 817 W SOUTHERN	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 817 W SOUTHERN	MUSKEGON MI 49441	
24-205-488-0003-00	EVANS MARTHA/MOSELER WAY 827 W SOUTHERN APT 1	ASSESSABLE FEET: 59 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,062.00
@ 827 W SOUTHERN	MUSKEGON MI 49441	

Southern, Division to Seaway

24-205-488-0004-00	REDMON CHERYL A	ASSESSABLE FEET:	59
	837 W SOUTHERN AVE	COST PER FOOT:	\$18.00
@ 837 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,062.00

24-205-488-0005-00	LEWIS CHARLES E	ASSESSABLE FEET:	59
	843 W SOUTHERN AVE	COST PER FOOT:	\$18.00
@ 843 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,062.00

24-205-488-0006-00	JONES DAVID E	ASSESSABLE FEET:	50.5
	853 W SOUTHERN AVE	COST PER FOOT:	\$18.00
@ 853 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$909.00

24-205-488-0006-10	MILLER TIMOTHY R	ASSESSABLE FEET:	67.5
	861 W SOUTHERN AVE	COST PER FOOT:	\$18.00
@ 861 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,215.00

24-205-489-0012-10	CITY OF MUSKEGON	ASSESSABLE FEET:	33
		COST PER FOOT:	\$18.00
@ 879 DIVISION ST		ESTIMATED P.O. COST:	\$594.00

SUM OF ASSESSABLE FOOTAGE:	<u>2067.00</u>	SUM OF ESTIMATED P.O. COST:	<u>\$37,206.00</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	40		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

MAR 18 2002

City Clerks Office

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway
Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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: 843 W SOUTHERN AVE
Parcel Number 24-205-488-0005-00
Assessable Frontage: 59 Feet
Estimated Front Foot Cost: \$18.00 per Foot
ESTIMATED TOTAL COST \$1,062.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 488
N 184 FT LOT 5

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Charles E. Lewis
" "

CoOwner/Spouse

Colleen Lewis
" "

Signature

843 W Southern

Signature

843 W Southern

Address

Address

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

LEWIS CHARLES E

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway
Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

INSTRUCTIONS

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Assessment Information

Property Address: 679 W SOUTHERN AVE
Parcel Number 24-205-433-0008-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$18.00 per Foot
ESTIMATED TOTAL COST \$900.00

RECEIVED

MAR 19 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 433
LOT 8

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 S.A.F. ENTERPRISES / South Plomin CoOwner/Spouse _____
Signature [Signature] Signature _____
Address 670 Glenwood Ave Address _____
Muskegon, MI 49445

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

S A F ENTERPRISES LLC

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway

Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

INSTRUCTIONS

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Assessment Information

Property Address: 837 W SOUTHERN AVE

Parcel Number 24-205-488-0004-00

Assessable Frontage: 59 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,062.00

RECEIVED

MAR 19 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 488
N 184 FT LOT 4

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

CHERYL A. REDMON CoOwner/Spouse

Signature

Cheryl A. Redmon

Signature

Address

837 W. SOUTHERN AVE

Address

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

REDMON CHERYL A

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway
Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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:	687	W	SOUTHERN AVE
Parcel Number	24-205-433-0007-00		
Assessable Frontage:	50	Feet	
Estimated Front Foot Cost:	\$18.00	per Foot	
ESTIMATED TOTAL COST	\$900.00		

RECEIVED

MAR 19 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 433
LOT 7

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>S.A.F Enterprises / Scott Fleming</u>	CoOwner/Spouse	_____
Signature	<u>[Signature]</u>	Signature	_____
Address	<u>670 Glenwood Ave. Muskegon, MI 49445</u>	Address	_____

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

S A F ENTERPRISES L L C

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway

Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

INSTRUCTIONS

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Assessment Information

Property Address: 827 W SOUTHERN AVE

Parcel Number 24-205-488-0003-00

Assessable Frontage: 59 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,062.00

RECEIVED

MAR 20 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 488
N 187 FT LOT 3

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>Wayne F. Moseler</u>	CoOwner/Spouse <u>Martha A. Moseler</u>
Signature <u>Wayne F. Moseler</u>	Signature <u>Martha A. Moseler</u>
Address <u>827 W. Southern Ave</u>	Address <u>827 W. Southern Ave</u>

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway

Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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Assessment Information

Property Address: 853 W SOUTHERN AVE

Parcel Number 24-205-488-0006-00

Assessable Frontage: 50.5 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$909.00

RECEIVED

MAR 20 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 488
E 50.5 FT OF LOTS 6 & 7
EXC S 42 FT OF LOT 7

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

David E Jones
DAVID E JONES

CoOwner/Spouse

Linda M Jones

Signature

Signature

Address

853 W Southern

Address

853 W. Southern

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

JONES DAVID E

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

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Assessment Information

Property Address: 834 W. SOUTHERN AVE

Parcel Number 24-205-487-0011-00

Assessable Frontage: 59 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,062.00

RECEIVED

MAR 21 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 487
LOT 11

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner	<u>Jeffrey D. Smith</u>	CoOwner/Spouse	<u>Maryjane Smith</u>
Signature	<u>Jeffrey D. Smith</u>	Signature	<u>Maryjane Smith</u>
Address	<u>1586 Jefferson</u>	Address	<u>1586 Jefferson</u>

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

SMITH, JEFFREY

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway
Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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Assessment Information

Property Address:	1543	BEIDLER ST
Parcel Number	24-205-413-0010-20	
Assessable Frontage:	50	Feet
Estimated Front Foot Cost:	\$18.00	per Foot
ESTIMATED TOTAL COST	\$900.00	

RECEIVED
MAR 21 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 413
S 41 1/4 FT LOTS 10 & 11

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>Daniel L Christenson</u>	CoOwner/Spouse	<u>Sherrell Christenson</u>
Signature	<u>Daniel L Christenson</u>	Signature	<u>Sherrell Christenson</u>
Address	<u>1044 Green Street</u>	Address	<u>1044 Green St.</u>

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

CHRISTENSON DANIEL L.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway

Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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Assessment Information

Property Address: 852 W SOUTHERN AVE

Parcel Number 24-205-487-0009-00

Assessable Frontage: 59 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,062.00

RECEIVED

MAR 21 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 487
LOT 9

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 Andrew Burgher CoOwner/Spouse _____
Signature Andrew S. Burgher Signature _____
Address 852 W Southern Ave Address _____
Muskegon MI 49441

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

BURGHER ANDREW S

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Southern, Division to Seaway

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Assessment Information

Property Address: 695 W SOUTHERN AVE

Parcel Number 24-205-433-0006-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$900.00

RECEIVED

MAR 21 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 433
LOT 6

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____	CoOwner/Spouse _____
Signature _____	Signature _____
Address _____	Address _____

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

WILLACKER, JOAN L.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

MAR 25 2002

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

City Clerks Office

Project Title: Southern, Division to Seaway

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Assessment Information

Property Address: 690 W SOUTHERN AVE

Parcel Number 24-205-414-0013-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$900.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 414
LOT 13

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Maria Chlupach

CoOwner/Spouse

Signature

Maria Chlupach

Signature

Address

690 Southern Ave

Address

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

OLEJARCZYK MAR 27

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

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Project Description: All parcels abutting Southern Avenue from 194' west of Division to west of Seaway

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Assessment Information

Property Address: 758 W SOUTHERN AVE
Parcel Number 24-205-413-0013-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$18.00 per Foot
ESTIMATED TOTAL COST \$900.00

RECEIVED

MAR 26 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 413
LOT 13

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Enrique Padilla

CoOwner/Spouse

Signature

Enrique Padilla

Signature

Address

1741 Division St.

Address

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

PADILLA ENRIQUE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

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Assessment Information

Property Address: 846 W SOUTHERN AVE

Parcel Number 24-205-487-0010-00

Assessable Frontage: 59 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,062.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 487
LOT 10

RECEIVED

MAR 26 2002

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Scott + Renee Campbell CoOwner/Spouse _____

Signature Renee A. Campbell

Signature _____

Address 846 W. S. Southern Ave.

Address _____

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

CAMPBELL SCOTT+RENEE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

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Assessment Information

Property Address: 749 W SOUTHERN AVE
Parcel Number 24-205-434-0006-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$18.00 per Foot
ESTIMATED TOTAL COST \$900.00

RECEIVED

MAR 26 2002

Property Description

City Clerks Office

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 434
LOT 6

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>Daniel H Beck</u>	CoOwner/Spouse	<u>Sandra M Beck</u>
Signature	<u>Daniel H Beck</u>	Signature	<u>Sandra M Beck</u>
Address	<u>749 W. Southern</u>	Address	<u>749 W. Southern</u>

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

CITY CLERK DANIEL SANDRA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

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Assessment Information

Property Address: 759 W SOUTHERN AVE

Parcel Number 24-205-434-0005-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$900.00

RECEIVED

MAR 26 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 434
LOT 5

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

John Hidalgo

CoOwner/Spouse

Signature

[Signature]

Signature

Address

759 W. Southern

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

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Assessment Information

Property Address: 861 W SOUTHERN AVE

Parcel Number 24-205-488-0006-10

Assessable Frontage: 67.5 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,215.00

RECEIVED

MAR 26 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 488
W 67.5 FT LOTS 6-7
EXC S 42 FT OF LOT 7

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Timothy R. Miller
Signature Timothy R. Miller
Address 861 W. Southern

CoOwner/Spouse Bobbie A. Miller
Signature Bobbie A. Miller
Address 861 W. Southern

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

MILLER PRINTING
2002

H-1541 SOUTHERN, DIVISION TO SEAWAY

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 36									
			FOR					OPPOSE				
			LOT#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2067.000 ***		3	24-205-433-0001-00	1560	BEIDLER	25.00	2	24-205-413-0010-2	1543	BEIDLER	50.00
FRONT FEET OPPOSED	881.000	42.62%	12	24-205-433-0005-00	705	SOUTHERN	50.00	15	24-205-413-0013-0	758	SOUTHERN	50.00
RESPONDING FRONT FEET IN FAVOR	75.000	3.63%						8	24-205-414-0013-0	690	SOUTHERN	50.00
NOT RESPONDING - FRONT FEET IN FAVOR	1111.000	53.75%						7	24-205-433-0007-0	687	SOUTHERN	50.00
TOTAL FRONT FEET IN FAVOR	1186.000	57.38%						5	24-205-433-0008-0	679	SOUTHERN	50.00
								38	24-205-487-0008-1	862	SOUTHERN	59.00
								35	24-205-487-0009-0	852	SOUTHERN	59.00
								31	24-205-487-0011-0	834	SOUTHERN	59.00
								29	24-205-488-0003-0	827	SOUTHERN	59.00
								32	24-205-488-0004-0	837	SOUTHERN	59.00
								33	24-205-488-0005-0	843	SOUTHERN	59.00
								36	24-205-488-0006-0	853	SOUTHERN	50.50
									24-205-488-0006-1	861	SOUTHERN	67.50
									24-205-434-0006-0	749	SOUTHERN	50.00
									24-205-434-0005-0	759	SOUTHERN	50.00
									24-205-487-0010-0	846	SOUTHERN	59.00
TOTALS							75.00					881.00

Date: March 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Leon Street, Crozier to Harrison

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-40(b)

Resolution At First Hearing Creating Special Assessment District
For **Leon St. between Harrison and Crozier**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 26, 2002** 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 26, 2002**, there were 28.14% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Larson and Schweifler and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 27.7% 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 Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays None

CITY OF MUSKEGON

By Gail A. Kunderinger
Gail A. Kunderinger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 26, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

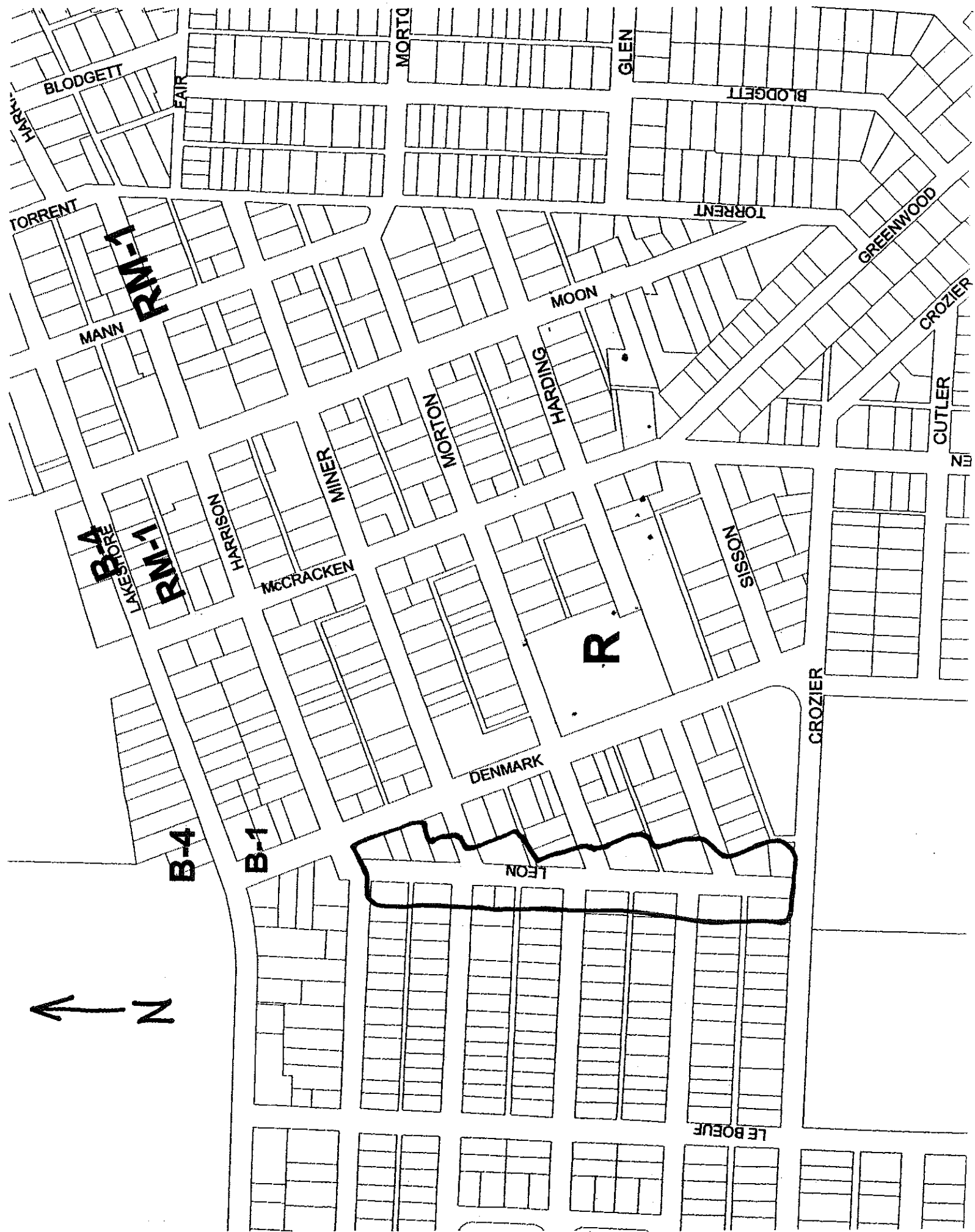
By Gail A. Kunderinger
Gail A. Kunderinger, Clerk

EXHIBIT A

Leon St. between Harrison and Crozier

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Leon St. between
Harrison and Crozier**



BLODGETT

TORRENT

MANN

RM-1

B-4

LAKESTORE

RM-1

HARRISON

MINER

MCCRACKEN

MORTON

HARDING

MOON

GLEN

TORRENT

GREENWOOD

CROZIER

CUTLER

N

NISSIS

R

DENMARK

LEON

CROZIER

LE BOEUF

N

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1543 LEON, CROZIER TO HARRISON

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE **15th DAY OF MARCH, 2002.**

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29 DAY OF March, 2002.

John M. Krulowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
John M. Krulowski
MY COMMISSION EXPIRES 5-13-05

ENGINEERING FEASIBILITY STUDY

For

Leon St. between Harrison and Crozier

The proposed new construction on **Leon between Harrison & Crozier**, see attached location map, was initiated by the City due to the following reasons:

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

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

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

The preliminary cost estimate for the work associated with paving is approximately \$150,000 with the length of the project being approximately 1256 lineal feet or 1141.15 of assessable front footage. This translates into an estimated improvement cost of \$130 per assessable foot. The assessment figures will be at a cost not to exceed \$36.35 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

March 13, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the new construction of Leon Street between Crozier Avenue and Harrison Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 13, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$36.35 for the paving of the above mentioned project area appears reasonable in light of analysis that indicates a possible enhancement of \$37.54. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3

Senior Appraiser

March 15th, 2002

OWNERS NAME
OWNERS ADDRESS
CITY, MI ZIPCODE

1

Parcel Number: at 24-XXX-XXX-XXXX-XX @ XXXX LEON

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

Leon, Crozier to Harrison

The proposed special assessment district will be located as follows:

All parcels abutting Leon from North of Crozier to South of Harrison

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on March 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$150,000.00 of which approximately 27.7% (\$41,480.80) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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:	2178	MINER AVE
Parcel Number	24-205-657-0003-00	
Assessable Frontage:	74.5	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,708.08	

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 657
LOT 3

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner	_____	CoOwner/Spouse	_____
Signature	_____	Signature	_____
Address	_____	Address	_____

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

BLASZAK JOSEPH E

CITY OF MUSKOGEE - 11343
LEON, HARRISON TO CROZIER
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

Wage earner: _____

Wage earner: _____

Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**Southern Ave., Division to Seaway Dr.
Ridge St., Gelnside to Cumberland
Leon St., Harrison to Crozier**

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

- **All parcels abutting Southern Ave. between Division and Seaway Dr.**
- **All parcels abutting Ridge St. between Gelnside and Cumberland**
- **All parcels abutting Leon St. between Harrison and Crozier**

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **March 26, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **March 16, 2002**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H-1543

NEW CONSTRUCTION

HEARING DATE

March 26th, 2002

Leon, Crozier to Harrison

24-205-654-0007-10	LAKESIDE UNITED METHODIST	ASSESSABLE FEET:	55
@ 2390 LEON ST	2160 CROZIER AVE	COST PER FOOT:	\$36.35
	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,999.25
24-205-654-0008-00	ANDERSON PEGGY	ASSESSABLE FEET:	52.8
@ 2380 LEON ST	2380 LEON ST	COST PER FOOT:	\$36.35
	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,919.28
24-205-655-0005-00	WASHINGTON MUTUAL BANK	ASSESSABLE FEET:	71.7
@ 2183 MORTON AV	75 N FAIRWAY DR	COST PER FOOT:	\$36.35
	VERNON HILLS IL 60061	ESTIMATED P.O. COST:	\$2,606.30
24-205-655-0007-00	BAIR JERRY	ASSESSABLE FEET:	71.7
@ 2348 LEON ST	2348 LEON ST	COST PER FOOT:	\$36.35
	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,606.30
24-205-656-0003-00	KING DENNIS	ASSESSABLE FEET:	71.7
@ 2187 MINER AVE	2187 MINER AVE	COST PER FOOT:	\$36.35
	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,606.30
24-205-656-0004-00	CROSS BENJAMIN	ASSESSABLE FEET:	71.7
@ 2180 MORTON AV	2180 MORTON AVE	COST PER FOOT:	\$36.35
	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,606.30
24-205-657-0001-00	TULEJA ELSIE	ASSESSABLE FEET:	53.74
@ 2203 DENMARK S	2203 DENMARK ST	COST PER FOOT:	\$36.35
	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,953.45

Leon, Crozier to Harrison

24-205-657-0001-10 CARPENTER JEFFRAY L
2215 DENMARK ST
@ 2215 DENMARK S MUSKEGON MI 49441

ASSESSABLE FEET: 26.87
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$976.72

24-205-657-0002-00 CARPENTER JEFFRAY L
2215 DENMARK ST
@ 2225 DENMARK S MUSKEGON MI 49441

ASSESSABLE FEET: 36
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$1,308.60

24-205-657-0003-00 BLASZAK JOSEPH E
2178 MINER AVE
@ 2178 MINER AVE MUSKEGON MI 49441

ASSESSABLE FEET: 74.5
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$2,708.08

24-205-659-0001-00 ZBOJNIEWICZ LORRAINE
2221 LEON ST
@ 2221 LEON ST MUSKEGON MI 49441

ASSESSABLE FEET: 56
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$2,035.60

24-205-659-0015-00 SOUTHWARD THOMAS H
2200 MINER AVE
@ 2200 MINER AVE MUSKEGON MI 49441

ASSESSABLE FEET: 56
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$2,035.60

24-205-660-0001-00 SIAS BARRY J
2199 MINER AVE
@ 2199 MINER AVE MUSKEGON MI 49441

ASSESSABLE FEET: 66
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$2,399.10

24-205-660-0001-10 SCARBROUGH JOSEPH A
2269 LEON ST
@ 2269 LEON ST MUSKEGON MI 49441

ASSESSABLE FEET: 59.17
COST PER FOOT: \$36.35
ESTIMATED P.O. COST: \$2,150.83

Leon, Crozier to Harrison

24-205-660-0015-00	STONE SUSAN K 2200 MORTON AVE @ 2200 MORTON AV MUSKEGON MI 49441	ASSESSABLE FEET: 62.59 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,275.15
24-205-661-0001-00	HOUSEMAN HAROLD J 2199 MORTON AVE @ 2199 MORTON AV MUSKEGON MI 49441	ASSESSABLE FEET: 62.75 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,280.96
24-205-661-0015-00	BENNINGER MARY 2331 LEON ST @ 2331 LEON ST MUSKEGON MI 49441	ASSESSABLE FEET: 62.75 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,280.96
24-205-662-0001-00	HANNON EDWARD 2201 HARDING AVE @ 2201 HARDING A MUSKEGON MI 49441	ASSESSABLE FEET: 65.09 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,366.02
24-205-662-0015-00	FARNELLI JANIS E 2200 CROZIER AVE @ 2200 CROZIER AV MUSKEGON MI 49441	ASSESSABLE FEET: 65.09 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,366.02
SUM OF ASSESSABLE FOOTAGE:	<u>1141.15</u>	<u>SUM OF ESTIMATED P.O. COST:</u> \$41,480.80
TOTAL NUMBER OF ASSESSABLE PARCELS	19	

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2215 DENMARK ST

Parcel Number 24-205-657-0001-10

Assessable Frontage: 26.87 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$976.72

RECEIVED

MAR 19 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 657
SE 49 1/2 FT LOT 1

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Help us, the dust is killing us!

Owner Jeffrey L. Carpenter CoOwner/Spouse _____
Signature Jeffrey L. Carpenter Signature _____
Address 2215 Denmark St. Address _____

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

CARPENTER JEFFREY L

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison
Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2178 MINER AVE
Parcel Number 24-205-657-0003-00
Assessable Frontage: 74.5 Feet
Estimated Front Foot Cost: \$36.35 per Foot
ESTIMATED TOTAL COST \$2,708.08

RECEIVED

MAR 19 2002

City Clerks Office

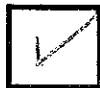
Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 657
LOT 3

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 JOSEPH BLASZAK CoOwner/Spouse _____
Signature Joseph Blaszak Signature _____
Address 2178 MINER AVENUE Address _____

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

BLASZAK JOSEPH E

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2331 LEON ST

Parcel Number 24-205-661-0015-00

Assessable Frontage: 62.75 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,280.96

RECEIVED

MAR 19 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 661
LOTS 15-16

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

MARY E. Benninger

CoOwner/Spouse

Deceased

Signature

Mary E. Benninger

Signature

Address

2331 Leon St

Address

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

BENNINGER MARY

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2199 MORTON AVE

Parcel Number 24-205-661-0001-00

Assessable Frontage: 62.75 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,280.96

RECEIVED

MAR 20 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 661
LOTS 1-2

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

HOUSEMAN, HAROLD ^(DECEASED)

CoOwner/Spouse

JOYCE HOUSEMAN

Signature

Signature

Joyce Houseman

Address

Address

2199 Morton Ave.

HOUSEMAN HAROLD

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2225 DENMARK ST

Parcel Number 24-205-657-0002-00

Assessable Frontage: 36 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST

\$1,308.60

RECEIVED

MAR 20 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 657
LOT 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



The dust is killing us. The street should've been paved 20 years ago. It gets a lot of traffic.

Owner Jeffrey L. Carpenter CoOwner/Spouse _____

Signature Jeffrey L. Carpenter

Signature _____

Address 2215 Denmark St.

Address _____

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

CARPENTER JEFFREY L.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison
Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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:	2348	LEON ST
Parcel Number	24-205-655-0007-00	
Assessable Frontage:	71.7	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,606.30	

RECEIVED

MAR 26 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 655
LOTS 7-8

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

Jerry Bair
[Signature]

CoOwner/Spouse

Signature

[Signature]

Signature

Address

2348 Leon St

Address

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

BAIR JERRY

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **March 26th, 2002**

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2200 MINER AVE

Parcel Number 24-205-659-0015-00

Assessable Frontage: 56 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,035.60

RECEIVED

MAR 26 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 15-16
BLK 659

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 Thomas H. Southward CoOwner/Spouse _____

Signature Thomas H. Southward

Signature _____

Address 2200 Miner Avenue

Address _____

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

SOUTHWARD THOMAS H.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002.

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

INSTRUCTIONS

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Assessment Information

Property Address: 2221 LEON ST

Parcel Number 24-205-659-0001-00

Assessable Frontage: 56 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,035.60

RECEIVED

MAR 19 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 659
LOTS 1 & 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 Lorraine Zbojnowicz CoOwner/Spouse _____

Signature Lorraine Zbojnowicz

Signature _____

Address 2221 Leon St.

Address _____

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

ZBOJNOWICZ LORRAINE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

INSTRUCTIONS

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Assessment Information

Property Address: 2269 LEON ST

Parcel Number 24-205-660-0001-10

Assessable Frontage: 59.17 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,150.83

RECEIVED

MAR 19 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 660
S 59 1/6 FT OF LOTS 1-2

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

Joseph T. Scarbrough

CoOwner/Spouse

Signature

Joseph T. Scarbrough

Signature

Address

2269 Leon St.

Address

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

SCARBROUGH JOSEPH T.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2200 MORTON AVE

Parcel Number 24-205-660-0015-00

Assessable Frontage: 62.59 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,275.15

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 660
LOTS 15-16

RECEIVED

MAR 20 2002

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner SUSAN STONE

CoOwner/Spouse _____

Signature Susan Stone

Signature _____

Address 2200 Morton

Address _____

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

STONE SUSAN R

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

INSTRUCTIONS

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Assessment Information

Property Address: 2187 MINER AVE

Parcel Number 24-205-656-0003-00

Assessable Frontage: 71.7 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,606.30

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 656
LOT 3

RECEIVED
MAR 20 2002
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

DENNIS

CoOwner/Spouse

Signature

Dennis King

Signature

Address

2187 Miner Ave,

Address

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

1010 DENNIS

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 26th, 2002

Project Title: Leon, Crozier to Harrison

Project Description: All parcels abutting Leon from North of Crozier to South of Harrison

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: 2180 MORTON AVE

Parcel Number 24-205-656-0004-00

Assessable Frontage: 71.7 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,606.30

RECEIVED

MAR 21 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 65B
LOT 4
EX E 40 FT

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 BENJAMIN CROSS CoOwner/Spouse _____

Signature B. Cross _____

Signature _____

Address 2180 Morton _____

Address _____

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

CROSS BENJAMIN

H-1543 LEON, CROZIER TO HARRISON

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 19									
		FOR					OPPOSE				
		LETTE	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1141.150 ***	17	24-205-655-0007-00	2348	LEON	71.70	4	24-205-656-0003-0	2187	MINER	71.70
FRONT FEET OPPOSED	321.160	12	24-205-657-0001-10	2215	DENMARK	26.87	5	24-205-656-0004-0	2180	MORTON	71.70
RESPONDING FRONT FEET IN FAVOR	390.570	14	24-205-657-0002-00	2225	DENMARK	36.00	13	24-205-659-0001-0	2221	LEON	56.00
NOT RESPONDING - FRONT FEET IN FAVOR	429.420	1	24-205-657-0003-00	2178	MINER	74.50	15	24-205-660-0001-1	2269	LEON	59.17
TOTAL FRONT FEET IN FAVOR	819.990	6	24-205-661-0001-00	2199	MORTON	62.75	9	24-205-660-0015-0	2200	MORTON	62.59
		16	24-205-661-0015-00	2331	LEON	62.75					
			24-205-659-0015-00	2200	miner	56.00					

TOTALS	390.57	321.16
--------	--------	--------

TABULATED AS OF: 03/27/02 09:24 AM

Date: March 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Ridge Street, Glenside to Cumberland

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Ridge Street, Glenside to Cumberland**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-40(c)

Resolution At First Hearing Creating Special Assessment District
For **Ridge Street, from Glenside to Cumberland**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 26, 2002** 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 26, 2002**, there were 6.86 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Larson and Warmington and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 13.4% of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 26, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

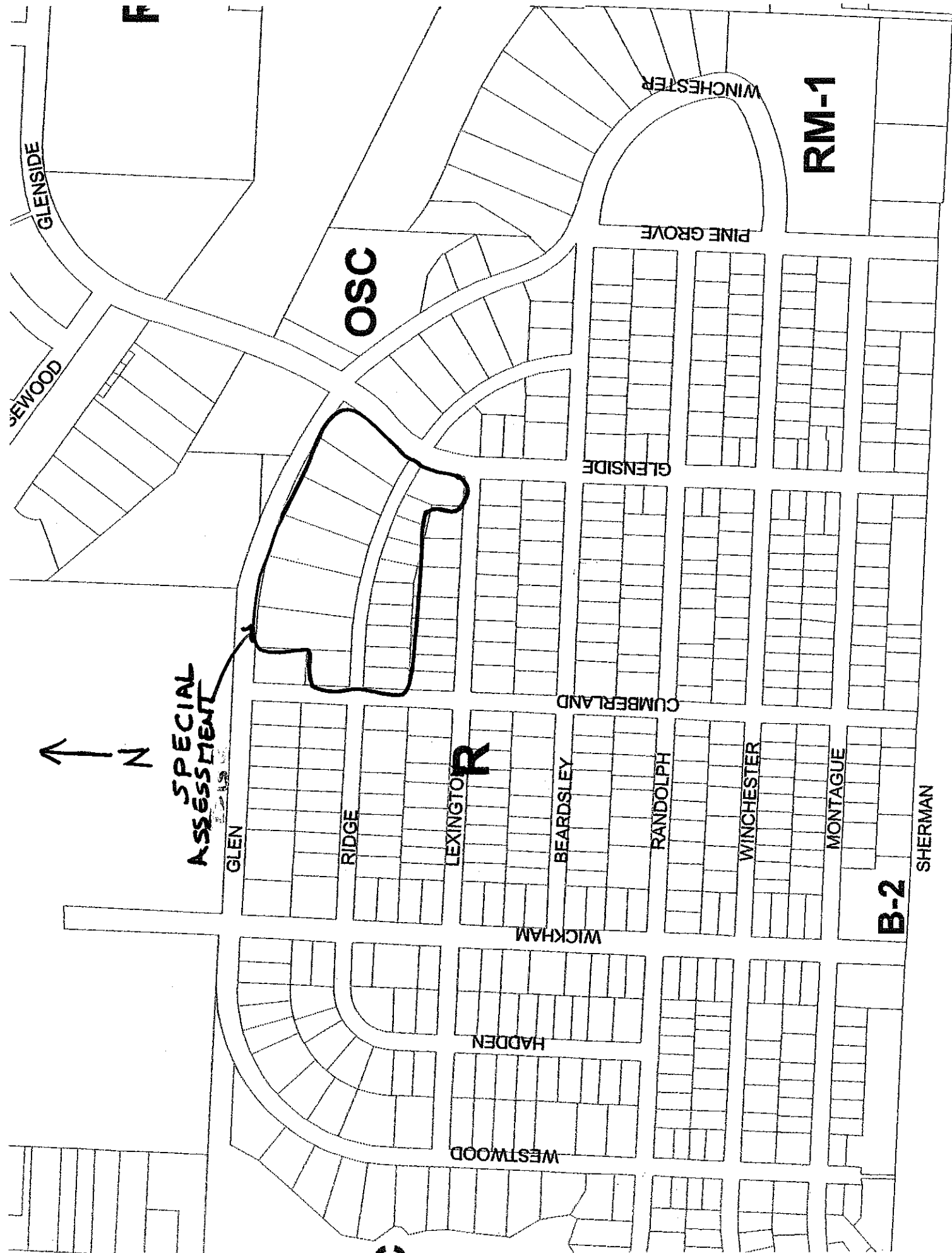
By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Ridge St., Glenside to Cumberland

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Ridge St. from Glenside to Cumberland.



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1554 RIDGE, GLENSIDE BLVD TO CUMBERLAND ST

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 15th DAY OF MARCH, 2002.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29 DAY OF March, 2002.

JoAnn M. Krulowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
JoAnn M Krulowski
MY COMMISSION EXPIRES 5-13-05

ENGINEERING FEASIBILITY STUDY

For

Sherin St., Lakeshore Dr. to Miner

The proposed resurfacing of Ridge between Glenside & Cumberland was initiated by a the attached petition and being recommended by the engineering department due to the surface condition of the existing concrete. The proposed improvements consist of the following;

1. Removal of badly deteriorated slabs of concrete
2. Construction of concrete curb & gutter
3. Improvements to the drainage system
4. Three inches of asphalt over the concrete.

The proposed improvements will address the at least two of the established goals, they are;

- Improve the City's infrastructure
- enhance the appearance of that area.

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

The preliminary cost estimate for the work associated with paving is approximately \$95,000 with the length of the project being approximately 750 lineal feet or 1361.25 of assessable footage. This translates into an estimated improvement cost of \$970 per assessable foot. The assessment figure will be at a cost not to exceed \$9.35 per assessable foot. This figure is prorated due to the fact that the proposed width of the street is only 24' rather than the standard 27' for which the assessment would be @ \$10.75 according to the 2002 Special Assessment for this type of improvement.

RECEIVED
CITY OF MUSKEGON

PETITION FOR PAVING

JAN 22 2002

To the City Commission:

ENGINEERING DEPT.

We, the undersigned property owners abutting on RIDGE AVE.
Street, and comprising a majority of the property ownership, petition your Honorable
Body to pave RIDGE AVE between GLENSIDE
and CUMBERLAND and in consideration of the benefits to be
derived from the above mentioned improvement do hereby consent to such paving and
hereby agree that the proportionate cost thereof be assessed against my property as a
special assessment and agree to pay for the same.

Petition circulated by Kathleen Logzka

Note:

Where property is being purchased on contract, both parties must sign.

<u>NAME</u>	<u>PROPERTY ADDRESS</u>	<u>LOT</u>	<u>BLOCK</u>	<u>PROPERTY FRONT FOOTAGE</u>
<u>Kathleen Logzka</u>	<u>1429 Ridge</u>	<u>7</u>	<u>23</u>	<u>65'</u>
<u>John B. Crabtree</u>	<u>1419 Ridge</u>	<u>9</u>	<u>23</u>	<u>70'</u>
<u>Pamela & Joanne</u>	<u>1425 Ridge</u>	<u>8</u>	<u>23</u>	<u>65'</u>
<u>PETE AMRHEIN</u>	<u>1431 GLEN</u>	<u>5</u>	<u>22</u>	<u>95'</u>
<u>June Jarvey</u>	<u>1441 Ridge</u>	<u>6</u>	<u>23</u>	<u>65'</u>
<u>Pat & Bob Brook</u>	<u>1453 Ridge</u>	<u>5</u>	<u>23</u>	<u>65'</u>
<u>Roy & Loretta</u>	<u>1411 Glen</u>	<u>6</u>	<u>22</u>	<u>90'</u>
<u>SA Boud</u>	<u>1441 GLEN</u>	<u>4</u>	<u>22</u>	<u>95'</u>
<u>K. Bullin</u>	<u>1461 Ridge</u>	<u>4</u>	<u>23</u>	<u>60'4"</u>
<u>Darleen Clay Tor</u>	<u>2364 Cumberland</u>	<u>1</u>	<u>23</u>	<u>65'</u>
<u>H. F. Kyrke</u>	<u>1532 Ridge</u>	<u>8</u>	<u>21</u>	<u>60'</u>
<u>James Johnson</u>	<u>1524 Ridge</u>	<u>9</u>	<u>21</u>	<u>60'</u>
<u>Andrew DeBuen</u>	<u>1475 GLEN</u>	<u>22</u>		<u>100'</u>

Cumberland
to Wickham

MUSKEGON COUNTY

M I C H I G A N

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

(231) 724-6386

FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

March 13, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the resurfacing of Ridge Avenue between Cumberland Street and Glenside Boulevard. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 13, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$10.75 for the paving of the above mentioned project area appears reasonable in light of analysis that indicates a possible enhancement of \$12.22. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3

Senior Appraiser

March 16th, 2002

OWNERS NAME
OWNERS ADDRESS
CITY, MI ZIPCODE

1

Parcel Number: at 24-XXX-XXX-XXXX-XX @ XXXX RIDGE AVE

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

Ridge, Glenside to Cumberland

The proposed special assessment district will be located as follows:

All parcels abutting Ridge from Glenside Blvd to Cumberland

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$95,000.00 of which approximately 13.4% (\$12,727.69) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 26th, 2002**

Project Title: Ridge, Glenside to Cumberland

Project Description: All parcels abutting Ridge from Glenside Blvd to Cumberland

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: 1406 RIDGE AVE

Parcel Number 24-382-022-0007-00

Assessable Frontage: 92.6 Feet

Estimated Front Foot Cost: \$10.75 per Foot

ESTIMATED TOTAL COST \$995.45

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 22 LOT 7

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner	_____	CoOwner/Spouse	_____
Signature	_____	Signature	_____
Address	_____	Address	_____

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

**CITY OF MUSKEGON - H 1554
RIDGE, GLENSIDE TO CUMBERLAND
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
 By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**Southern Ave., Division to Seaway Dr.
Ridge St., Gelnside to Cumberland
Leon St., Harrison to Crozier**

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

- **All parcels abutting Southern Ave. between Division and Seaway Dr.**
- **All parcels abutting Ridge St. between Gelnside and Cumberland**
- **All parcels abutting Leon St. between Harrison and Crozier**

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **March 26, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **March 16, 2002**

Gail Kunderinger, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H-1554

RESURFACING

HEARING DATE

MARCH 26th, 2002

Ridge, Glenside to Cumberland

24-382-022-0001-10	NIENHUIS DONNA M TRUST 2334 CUMBERLAND ST @ 2334. CUMBERLA MUSKEGON MI 49441	ASSESSABLE FEET: 100 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$935.00
24-382-022-0002-00	DEBOER JUDITH F TRUST 1475 GLEN AVE @ 1475. GLEN AVE MUSKEGON MI 49441	ASSESSABLE FEET: 95 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$888.25
24-382-022-0003-00	STEVENS JOHN E/DAWN M 1455 GLEN AVE @ 1455. GLEN AVE MUSKEGON MI 49441	ASSESSABLE FEET: 120 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$1,122.00
24-382-022-0004-00	MERCER JOHN C/BOUWMAN ST 1441 GLEN AVE @ 1441. GLEN AVE MUSKEGON MI 49441-310	ASSESSABLE FEET: 95 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$888.25
24-382-022-0005-00	AMRHEIN PETER J 1431 GLEN AVE @ 1431. GLEN AVE MUSKEGON MI 49441	ASSESSABLE FEET: 95 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$888.25
24-382-022-0006-00	PORTENGA ROY J 1411 GLEN AVE @ 1411. GLEN AVE MUSKEGON MI 49441	ASSESSABLE FEET: 90 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$841.50
24-382-022-0007-00	FETT JAMES C 1406 RIDGE AVE @ 1406. RIDGE AVE MUSKEGON MI 49441	ASSESSABLE FEET: 92.6 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$865.81

Ridge,Glenside to Cumberland

24-382-023-0001-00	CLAYTOR DARLEEN P 2364 CUMBERLAND	ASSESSABLE FEET: 65 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$607.75
@ 2364.	CUMBERLA MUSKEGON MI 49442	
24-382-023-0002-00	CLARK WILLIAM ROBERT 1483 RIDGE	ASSESSABLE FEET: 60 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$561.00
@ 1483.	RIDGE AVE MUSKEGON MI 49441-324	
24-382-023-0003-00	VEGTER MAY 1477 RIDGE	ASSESSABLE FEET: 65.05 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$608.22
@ 1477.	RIDGE AVE MUSKEGON MI 49441	
24-382-023-0004-00	BULTEMA KAREN 1461 RIDGE AVE	ASSESSABLE FEET: 60.25 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$563.34
@ 1461.	RIDGE AVE MUSKEGON MI 49441	
24-382-023-0005-00	FOHLBROOK PATRICIA J REV T 1453 RIDGE AVE	ASSESSABLE FEET: 65 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$607.75
@ 1453.	RIDGE AVE MUSKEGON MI 49441	
24-382-023-0006-00	TORREY JUNE M 1441 RIDGE AVE	ASSESSABLE FEET: 65 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$607.75
@ 1441.	RIDGE AVE MUSKEGON MI 49441	
24-382-023-0007-00	LAZUKA TYRONE E/KATHLEEN 1429 RIDGE AVE	ASSESSABLE FEET: 65 COST PER FOOT: \$9.35 <u>ESTIMATED P.O. COST:</u> \$607.75
@ 1429.	RIDGE AVE MUSKEGON MI 49441	

RESURFACING

HEARING DATE

MARCH 26th, 2002

Ridge,Glenside to Cumberland

24-382-023-0008-00	LOWE PAMELA S	ASSESSABLE FEET:	65
	1425 RIDGE AVE	COST PER FOOT:	\$9.35
@ 1425.	RIDGE AVE MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$607.75</u>

24-382-023-0009-00	CRABTREE DANIEL W	ASSESSABLE FEET:	70
	%1419 RIDGE AVE	COST PER FOOT:	\$9.35
@ 1419.	RIDGE AVE MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$654.50</u>

24-382-023-0010-00	LEE ROBERT/JULIE A	ASSESSABLE FEET:	93.35
	1408 LEXINGTON AVE	COST PER FOOT:	\$9.35
@ 1408.	LEXINGTON MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$872.82</u>

SUM OF ASSESSABLE FOOTAGE:	<u>1361.25</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$12,727.69</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	17		

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Ridge, Glenside to Cumberland
Project Description: All parcels abutting Ridge from Glenside Blvd to Cumberland

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:

1425.0 RIDGE AVE

Parcel Number

24-382-023-0008-00

Assessable Frontage:

65 Feet

Estimated Front Foot Cost:

\$9.35 per Foot

ESTIMATED TOTAL COST

\$607.75

RECEIVED

MAR 18 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 23 LOT 8

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

LOVIE PAMELA S

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Ridge, Glenside to Cumberland

Project Description: All parcels abutting Ridge from Glenside Blvd to Cumberland

INSTRUCTIONS

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Assessment Information

Property Address: 1408.0 LEXINGTON AVE

Parcel Number 24-382-023-0010-00

Assessable Frontage: 93.35 Feet

Estimated Front Foot Cost: \$9.35 per Foot

ESTIMATED TOTAL COST \$872.82

RECEIVED

MAR 25 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 23 LOTS 10 & 11

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Robert Lee

CoOwner/Spouse

JULIE LEE

Signature

Robert Lee

Signature

Julie Lee

Address

1408 Lexington

Address

1408 LEXINGTON

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

LEE ROBERT J. IS A
407

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 26th, 2002**

Project Title: Ridge, Glenside to Cumberland

Project Description: All parcels abutting Ridge from Glenside Blvd to Cumberland

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: 1441.0 GLEN AVE

Parcel Number: 24-382-022-0004-00

Assessable Frontage: 95 Feet

Estimated Front Foot Cost: \$9.35 per Foot

ESTIMATED TOTAL COST \$888.25

RECEIVED

MAR 25 2002

Property Description

CITY OF MUSKEGON
GLEN SIDE SUB-DIVISION #2
BLK 22 LOT 4

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

STEVE A. BOUWMAN

CoOwner/Spouse

JOHN MERCER

Signature

[Signature]

Signature

John Mercer

Address

1441 GLEN

Address

1441 GLEN AVE

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 26th, 2002**

Project Title: Ridge, Glenside to Cumberland
Project Description: All parcels abutting Ridge from Glenside Blvd to Cumberland

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: 1411.0 GLEN AVE
Parcel Number 24-382-022-0006-00
Assessable Frontage: 90 Feet
Estimated Front Foot Cost: \$9.35 per Foot

ESTIMATED TOTAL COST \$841.50

RECEIVED

MAR 26 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 22 LOT 6

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 Roy Portenga
Signature [Signature]
Address 1411 Glen

CoOwner/Spouse ANN B. PORTENGA
Signature [Signature]
Address 1411 Glen Ave.

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

PORTENGA ROY

H-1554 RIDGE, GLENSIDE TO CUMBERLAND

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 17									
			FOR			OPPOSE						
			LETTE	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1361.250	***	8	24-382-022-0004-00	1441	GLEN	95.00	2	24-382-023-0010-00	1408	LEXINGTON	93.35
FRONT FEET OPPOSED	93.350	6.86%	3	24-382-022-0006-00	1411	GLEN	90.00					
RESPONDING FRONT FEET IN FAVOR	315.000	23.14%	9	24-382-023-0006-00	1441	RIDGE	65.00					
			5	24-382-023-0008-00	1425	RIDGE	65.00					
NOT RESPONDING - FRONT FEET IN FAVOR	952.900	70.00%										
TOTAL FRONT FEET IN FAVOR	1267.900	93.14%										
TOTALS							315.00					93.35

TABULATED AS OF: 03/26/02 04:46 PM

Commission Meeting Date: March 26, 2002

Date: March 19, 2002
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services W.G.
Department
RE: Public Hearing concerning 2002- 2003 CDBG/HOME
recommendation and City Commission Preliminary
decision

SUMMARY OF REQUEST: To conduct a Public Hearing concerning the CDBG/HOME 2002-2003 recommendation submitted by both the administration and the Citizen District Council.

The Public Hearing is to gather information from the public concerning the 2002-2003 CDBG/HOME funding which is to be \$1,376,000 and \$137,000, respectively, excluding any program income or reprogrammed funding.

The City Commission is also asked to make their preliminary decision on what items should be funded and at what amounts.

The City Commission will be asked to make their final decision on April 9, 2002 during the scheduled Commission meeting.

FINANCIAL IMPACT: The 2002 – 2003 allocations will be based on the Commission decision(s).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To conduct the Public Hearing and to make preliminary allocation decision.

COMMITTEE RECOMMENDATION: The Citizen's District Council recommendation are included with the recommendation made by the City's administration.



WESTERN MICHIGAN LEGAL SERVICES

MUSKEGON, OCEANA & MASON COUNTIES

450 MORRIS AVENUE SUITE 302, MUSKEGON, MICHIGAN 49440 ■ PHONE 231-726-4887

POST OFFICE BOX 1206, MUSKEGON, MICHIGAN 49443-1206

TOLL FREE 1-800-968-4887 • FAX: (231) 728-5217

MICHAEL C. CHIELENS, EXECUTIVE DIRECTOR

TO: HONORABLE MEMBERS OF THE MUSKEGON CITY COMMISSION

FROM: DAN BONNER, MANAGING ATTORNEY
WESTERN MICHIGAN LEGAL SERVICES

RE: GRANT AMOUNT-CITY OF MUSKEGON HOUSING COUNSELOR

DATE: MARCH 26, 2002

Western Michigan Legal Services (hereinafter WMLS) is grateful for the recommended grant amount of \$10,000 to initiate a housing counseling project on behalf of low income renters and homeowners in the City of Muskegon. Our original request of \$38,504.00 would have provided sufficient fiscal resources to pay the annual salary and cost of benefits to a full-time paralegal.

We understand that the allocation made to WMLS is a recommended figure. I hope that I am correct in further understanding that supplemental input is welcomed as a part of the allocation process. With that hope, I offer the following suggestion to the Commission for your consideration.

In response to the allocation, necessary adjustments will be made to our vision to accommodate the available funding. Originally, we anticipated being able to add a full-time housing counselor to assist some of the approximately 780 city households facing eviction on an annual basis. The proposed allocation of \$10,000 forces us to scale back our efforts to two days per week. It should be noted that eviction proceedings are scheduled five days per week in our District Court.

H:\LS\docs\grant.memo.vpd



A United Way Agency

Older Americans Act Funded Agency

LSC

City of Muskegon

Pilot Housing Listing Detail from 1997 through 2001

Proposed Pilot(s)	Payment Due Date	Pilot Rate	1997		1998		1999		2000		2001	
			In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue
Hackley Glen Redevelopment	July 1	4%	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)
Existing Pilots												
Barclay St Village	April 1	10%	12,812.31	1,834.50	13,810.99	1,977.70	13,902.01	1,991.90	13,852.01	1,985.80		
Bay View Towers	April 1	10%	34,535.00	4,944.70	36,477.00	5,223.50	35,235.00	5,048.50	35,782.60	5,129.80		
Hartford Terrace	April 1	10%	19,810.00	2,836.40	21,418.32	3,067.10	20,738.85	2,971.50	14,273.00	2,046.20		
Royal Glen Townhouses	July 1	4%	14,122.28	2,022.00	14,569.92	2,086.40	15,211.44	2,179.50	15,626.88	2,240.30		
Trinity Village - Phase I	July 1	4%	3,872.00	554.40	4,232.00	606.00	3,665.00	525.10	4,196.00	601.50		
Trinity Village - Phase II	July 1	4%	4,197.00	600.90	4,197.00	601.00	4,225.00	605.40	4,314.00	618.50		
Trinity Village (Cogic Village)	July 1	4%	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)		
Nelson Place	July 1	4%	N/A (2)	N/A (2)	17,566.48	2,515.50	21,509.84	3,081.90	22,294.48	3,196.10		
Trinity Manor	July 1	4%	5,056.00	723.90	5,056.00	724.00	5,056.00	724.40	5,564.00	797.70		
Total			94,404.59	13,516.80	117,327.71	16,801.20	119,543.14	17,128.20	115,902.97	16,615.90		

N/A (1) The first year for Trinity Village (COGIC Village) payment in lieu of tax revenue will be 2002.

N/A (2) The first year for Nelson Place payment in lieu of tax revenue was 1999.

N/A (3) The proposed PILOT agreement for Hackley Glen is on the City Commission agenda for the March 26, 2002 meeting.

Note 1: The Trinity Manor contract for housing exemption agreement for cancellation was effective for tax levy years after 2000.

2002 - 2003 CDBG / HOME ACTIVITY

Community Development Block Grant				City Commission Preliminary Recommendation	City Commission Final Decision
Organization Name/Program Title	Amount Requested	Administration Recommendation	Citizen District Council Recommendation		
1 Muskegon Community Health Project "Miles for Smile Dental Services"	\$ 5,000.00 *	\$ 5,000.00	\$ 5,000.00	5,000.00	
2 West Michigan Veterans Veterans Assistance	5,000.00 *	5,000.00		5,000.00	
3 Child Abuse Council Waiting Room Renovation	6,000.00 *	5,000.00		5,000.00	
4 HealthCare Health screening to low-income	6,453.00 *	5,000.00		6,453.00	
5 American Red Cross Senior Transportation	5,000.00 *	5,000.00		5,000.00	
6 Volunteer Muskegon Youth Survey/Mapping	5,000.00 *	5,000.00		5,000.00	
7 Volunteer Muskegon Keep Kids in School Truancy	5,000.00 *	5,000.00		5,000.00	
8 Legal Aid of Western Michigan Counseling/Legal Education	38,504.00 *	10,000.00		10,000.00	
9 Family Services Center, Inc DAD'S	21,717.21 *	10,000.00		10,000.00	
10 Oakview Neighborhood Association Repairing of Community Center Roof	4,910.62 *	3,000.00		3,000.00	
11 Higher Achievement Learning Center At Risk Respite Care	25,000.00 *	0.00		0.00	
12 Heritage Association Boardwalk	40,000.00 *	0.00		0.00	
13 Muskegon Retirement Apartment Inc Fire Code Compliance	22,400.00 *	10,000.00		10,000.00	

Organization Name/Program Title	Amount Requested	Administration	Citizen District Council	City Commission	
				Preliminary Recommendation	Final Decision
14 Community and Neighborhood Services <i>Paint/Siding Program</i>	\$ 180,000.00	\$ 152,000.00	\$ 155,000.00		
15 Fire/Inspection <i>Dangerous Building/Demolition</i>	155,000.00	80,000.00	90,000.00		
16 Leisure Services <i>Playground equipment at McCrea Park</i>	60,000.00 *	0.00	0.00		
17 Community and Neighborhood Services <i>Emergency Rehabilitation</i>	200,000.00	175,000.00	175,000.00		
18 Community and Economic Development <i>Facade Improvement</i>	30,000.00	20,000.00	10,000.00		
19 Community and Neighborhood Services <i>CDBG Administration</i>	189,028.00	175,000.00	175,000.00		
20 Community and Neighborhood Services <i>Rehab Service Delivery</i>	120,463.00	112,000.00	115,000.00		
21 Leisure Services <i>Renovation Ryerson Field</i>	200,000.00	0.00	0.00		
22 Engineering / CNS <i>Sidewalk Assessment Relief</i>	50,000.00	45,000.00	45,000.00		
23 Engineering / CNS <i>Street Assessment Relief</i>	100,000.00	95,000.00	95,000.00		
24 Leisure Services <i>Youth recreation</i>	90,000.00 *	70,000.00	70,000.00		
25 Leisure Services <i>Reesfield Parking Lot</i>	100,000.00	0.00	0.00		
26 Cemetery <i>Restlawn Paving</i>	75,000.00	0.00	0.00		
27 Finance Dept <i>Repayment of Shoreline Dr. Bond</i>	245,000.00	245,000.00	245,000.00		
28 MuskegonCommunity Development Alliance <i>Grocery Store Site Improvements</i>	25,000.00	14,000.00	20,000.00		
29 City Lot Clean-up	80,000.00	40,000.00	20,000.00		
30 Code Enforcement	40,000.00	40,000.00	40,000.00		

31 DPW Senior Transit	<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	City Commission	
					<u>Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
		\$ 54,937.00 *	\$ 45,000.00	\$ 45,000.00		
Total CDBG Request						
		2,184,412.83				
Total CDBG Allocated						
		1,376,000.00	1,376,000.00	1,376,000.00		
Recommendations						
			1,376,000.00	1,369,453.00		
Allocated/Request Difference						
		\$ 808,412.83	\$ -	\$ 6,547.00		
Total Amt of Public Service*						
		375,220.62	183,000.00	184,453.00		
Public Service mandated Amt < or = to 15% Difference						
		206,400.00	206,400.00	206,400.00		
		(168,820.62)	\$ 23,400.00	\$ 21,947.00		
Total Amt of City Administration Request						
		189,028.00	175,000.00	175,000.00		
Administrative mandated Amt < 20% Difference						
		275,200.00	275,000.00	275,000.00		
		\$ 86,172.00	\$ 100,000.00	\$ 100,000.00		
HOME						
	<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1	Community and Neighborhood Services Tax-reverted Infill	\$ 125,000.00	\$ 75,000.00	\$ 75,000.00		
2	Community and Neighborhood Services Tax-reverted Rehabilitation	120,000.00	35,000.00	35,000.00		
3	Community and Neighborhood Services HOME Rental Rehabilitation	100,000.00	-	-		
4	Community and Neighborhood Services HOME Infill Program	150,000.00	50,000.00	50,000.00		
	Community and Neighborhood Services Demolition	25,000.00	10,000.00	10,000		
5	Community and Neighborhood Services HOME Administration	57,100.00 ***	57,100.00	57,100.00		

HOME	Organization Name/Program Title	Amount Requested	Administration Recommendation	Citizen District Council Recommendation	City Commission	
					Preliminary Recommendation	Final Decision
6	Neighborhood Investment Corp Housing Rehab, Neighborhood Imp.	\$ 123,750.00 ****	\$ 75,000.00	\$ 75,000.00		
7	Bethany Housing Ministries, Inc Housing Rehabilitation	120,000.00 ****	60,000.00	60,000.00		
8	Trinity Village Non-Profit Housing Corp Single-Family Acquisition	50,300.00 ****	30,000.00	30,000.00		
	Total Amt of HOME Request	\$ 871,150.00	\$ 392,100.00	\$ 392,100.00		
	HOME Allocation	137,000.00 !				
	Reprogram Funds	256,000.00				
	Total Amt Home Available	393,000.00	393,000.00	393,000.00		
	Total Amt Difference	\$ (478,150.00)	\$ 900.00	900		
	Total Amt of HOME Administration *****	\$ 57,100.00	\$ 57,100.00	\$ 57,100.00		
	Total Amt mandated = 10%	\$ 39,300.00				
	Difference	\$ (17,800.00)				
	Total amt of HOME CHDO request *****	\$ 294,050.00	\$ 165,000.00	\$ 165,000.00		
	Total Amt mandated 15%	58,950.00				
	Difference	\$ (235,100.00)				

NOTE

*Public Service, **City CDBG Administration, ***HOME Administration, ****CHDO Request
Q:\CNS(Common)\Excel\02.03_Act

! The City was to originally receive \$571,000 for this fiscal year HOME allocation, but was later informed by HUD that \$434,000 is to be recaptured by HUD because the City failed to meet its commitment obligation concerning fiscal year 1998 funds.

***** Mandated amounts are not applicable because of recapture

Date: March 26, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Fricano's Muskegon Lake, L.L.C.
1050 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Fricano's Muskegon Lake, L.L.C. for a new SDM and Resort Class C license to be located at 1050 W. Western.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval pending final inspection.

Muskegon Police Department

Anthony L. Kleibecker

Chief of Police



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

March 18, 2002

To: The City Commission through the City Manager

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

Re: Request for New Resort Class C license with Outdoor Service and Sunday Sales Permits.

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation for applicant Fricano's Muskegon Lake, L.C.C.

Fricano's Muskegon Lake, L.C.C. is requesting a New Resort Class C license with Outdoor Service and Sunday Sales Permits for new location at 1050 W. Western Ave, Muskegon, MI. 49441.

Our department has spoken with Theodore Fricano (w/m 06/02/67). He is currently the owner of Fricano's Pizza Tavern located in Grand Haven, Michigan. Mr. Fricano is nearing the end stages of the construction process at the Western Ave location and will be awaiting the liquor license from Lansing, pending the approval from the City of Muskegon.

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

TK/cmw

MEMO

To: Chief Anthony Kleibecker

From: Det. Kurt Dykman

Date: 03-15-02

Re: Request for New Resort Class C license with Outdoor Service and Sunday Sales Permits.

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation for applicant Fricano's Muskegon Lake, L.C.C., 1050 West Western, Muskegon, Michigan 49441.

Fricano's Muskegon Lake, L.C.C. is requesting a New Resort Class C license with Outdoor Service and Sunday Sales Permits for new location at 1050 W. Western Ave, Muskegon, MI. 49441.

I have spoken with Theodore Fricano, w/m, 06-02-67, who currently is owner of Fricano's Pizza Tavern located in Grand Haven, Michigan. Mr. Fricano is nearing the end stages of the construction process at the Western Ave location and will be awaiting the liquor license from Lansing, pending the approval from the City of Muskegon.

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

Respectfully submitted,



Det. Kurt Dykman

data/common/Fricano

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)]

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

DATE: February 28, 2002

Request I.D. #143343

The Liquor Control Commission has received an application from: **FRICANO'S MUSKEGON LAKE, L.L.C.** for a new **Specially Designated Merchant** license, to be held in conjunction with proposed new **Resort Class C** license to be located at 1050 West Western, Muskegon, Michigan 49441, Muskegon County.

Contacts:

Theodore Fricano
18661 Pawnee Drive
Spring Lake, Michigan 49456
PH: (B) (616) 842-0202

Edward A. Newmyer, Attorney at Law
507 Fifth Third Bank, P.O. Box 275
Muskegon, Michigan 49443-0275
PH: (B) (231) 725-7540

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

lg

LC-3104 Rev. 6/90
4880-2068

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

KAR
3-11-02

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

To: Muskegon Police Department
Chief of Police
980 Jefferson Street, P.O. Box 536
Muskegon, Michigan 49443-0536

Date: February 28, 2002
REQ. I.D. # 140649

Chief Law Enforcement Officer

Applicant: **FRICANO'S MUSKEGON LAKE, L.L.C.** requests a new Resort Class C license issued under MCL 436.1531(3), with Sunday Sales Permit and Official-Permit (~~Food~~), to be located at 1050 West Western, Muskegon, Michigan 49441, 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.

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

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

If you have any questions, contact the Licensing Division at (517) 322-1400.

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)]

To: Muskegon Police Department
Chief of Police
980 Jefferson Street, P.O. Box 536
Muskegon, Michigan 49443-0536

Date: February 28, 2002
REQ. I.D. # 140649

Chief Law Enforcement Officer

Applicant: **FRICANO'S MUSKEGON LAKE, L.L.C.** requests a new Resort Class C license issued under MCL 436.1531(3), with Sunday Sales Permit and Official Permit (Food), to be located at 1050 West Western, Muskegon, Michigan 49441, 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.

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

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

If you have any questions, contact the Licensing Division at (517) 322-1400.

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

LIQUOR LICENSE REVIEW FORM

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

Operator/Manager's Name: Theodore Fricano

Business Address: 1050 West Western
Muskegon, MI 49441

Reason for Review:

New License ☒ *SDM and Resort Class C* 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: _____

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 B. L. Steiner 3-18-02

Gail A. Kundinger, City Clerk
Liquor License Coordinator

11 APR 27 11-02
Michigan Department of Consumer & Industry Services
POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

(Authorized by MCL 436.7a)

REQUEST I.D. #143343

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) **FRICANO'S MUSKEGON LAKE, L.L.C.,**
1050 West Western, Muskegon, Michigan 49441, Muskegon County

REQUEST FOR: New Resort Class C license issued under MCL 436.1531(3) with Outdoor Service and Sunday Sales Permits.

Section 1. APPLICANT INFORMATION	
APPLICANT #1: THEODORE FRICANO	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 18661 Pawnee Drive Spring Lake, Michigan 49456 (B)(616) 842-0202 (H)(231) 722-7775	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 06-02-67 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: 3-13-02 \$30.00	Date fingerprinted:
Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.	
ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed
Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No
Does applicant intend to have dancing or entertainment? ☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit
Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations
Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No
If you are recommending approval subject to certain conditions, list the conditions: (Attach a signed and dated report if more space is needed)

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

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

3-18-02
Date

KAR
3-11-02

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))

Date: February 28, 2002

Request I.D. #143343

To: Muskegon City Council
Clerk
933 Terrace Street, P.O. Box 536
Muskegon, Michigan 49443-0536

Applicant: **FRICANO'S MUSKEGON LAKE, L.L.C.** requests a new Resort Class C license to be issued under the provisions of MCL 436.1531(3) to be located at 1050 West Western, Muskegon, Michigan 49441, Muskegon County.

Contact: Theodore Fricano, 18661 Pawnee Drive, Spring Lake, Michigan 49456. PH: (616) 842-0202.

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**

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)]

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

DATE: February 28, 2002

Request I.D. #143343

The Liquor Control Commission has received an application from: **FRICANO'S MUSKEGON LAKE, L.L.C.** for a new **Specially Designated Merchant** license, to be held in conjunction with proposed new **Resort Class C** license to be located at 1050 West Western, Muskegon, Michigan 49441, Muskegon County.

Contacts:

Theodore Fricano
18661 Pawnee Drive
Spring Lake, Michigan 49456
PH: (B) (616) 842-0202

Edward A. Newmyer, Attorney at Law
507 Fifth Third Bank, P.O. Box 275
Muskegon, Michigan 49443-0275
PH: (B) (231) 725-7540

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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

LIQUOR LICENSE REVIEW FORM

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

Operator/Manager's Name: Theodore Fricano

Business Address: 1050 West Western
Muskegon, MI 49441

Reason for Review:

New License ☒ *SDM and Resort Class C* 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: _____

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. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

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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 _____

RECEIVED

MAR - 6 2002

CITY OF MUSKEGON
TREASURER'S OFFICE
Department Signature _____

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

RECEIVED

MAR 6 2002

CITY OF MUSKEGON
PLANNING DEPARTMENT

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

Operator/Manager's Name: Theodore Fricano

Business Address: 1050 West Western
Muskegon, MI 49441

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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 Mike L. Cameron

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

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Muskegon, MI 49441

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New License ☒ *SDM and Resort Class C* 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: _____

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: 25-

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Allen TenBeink

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

Operator/Manager's Name: Theodore Fricano

Business Address: 1050 West Western
Muskegon, MI 49441

Reason for Review:

New License ☒ *SDM and Resort Class C* 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: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects Inspection

Required before approval
Please call to schedule

Department Signature

Gail A. Kundinger

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Fricano's Muskegon Lake

AKA Business Name (if applicable): _____

Operator/Manager's Name: Theodore Fricano

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Muskegon, MI 49441

Reason for Review:

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☒ Amount: 15

Fire/Inspection Services Compliance ☒ Remaining Defects Pending

Completion of Construction,
Inspection & Issuing Cert of
Occupancy.

Department Signature Robert B. [Signature] 3/6/02

Gail A. Kunderger, City Clerk
Liquor License Coordinator

ormative Action
(31)724-6703
FAX: (231)722-1214

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

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

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

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

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

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



March 22, 2002

Mr. Theodore Fricano
18661 Pawnee Drive
Spring Lake, MI 49456

Dear Mr. Fricano:

This letter is to inform you that your request for a new Resort Class C and a new SDM license at 1050 W. Western will be presented to the City Commission on March 26, 2002. 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 Nims 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
(231)724-6703
FAX: (231)722-1214

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

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

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

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

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

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

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

Engineering Dept.
(231)724-6707
FAX: (231)727-6984

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

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

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

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

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

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

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

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

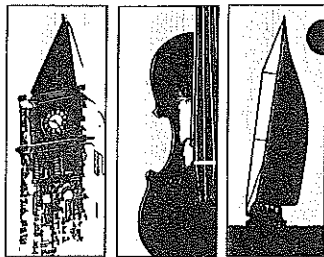
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

March 27, 2001

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

REF: 1050 W. Western
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the resolution, police inspection report (LC-1800), print card and check for the liquor license change request mentioned above.

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

Sincerely,

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

Linda Potter
Deputy Clerk

Enc.

KAR
3-11-02

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

RESOLUTION

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

called to order by Mayor Warmington on Tuesday, March 26, 2002 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Schweifler and supported by Commissioner Larson

That the request from FRICANO'S MUSKEGON LAKE, L.L.C. for a new Resort Class C license to be issued under MCL 436.1531(3) and located at 1050 West Western, Muskegon, Michigan 49441, Muskegon County, to be held in conjunction with a new Specially Designated Merchant license.

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 March 26, 2002.
(Date)

SEAL

(Signed) Gail A. Kunding
(Township, City or Village Clerk)
Gail A. Kunding, City Clerk
933 Terrace, PO Box 536

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

Date: March 26, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Update of City's Financial Policies

SUMMARY OF REQUEST: The City's major financial policies were first put in writing and adopted by the City Commission several years ago. These policies set forth the framework for managing the financial affairs of the City. Among the changes recommended in this update are the following:

- ❑ *Investment Policy* – This policy has been completely rewritten with the assistance of the City's outside investment advisor.
- ❑ *Travel Policy* – This had been a separate policy but is included here and has been revised to address several issues;
- ❑ *New policies have been added in the areas of departmental cash handling, accounts payable, accounts receivable, and payroll deductions.*

Due to the length of the Financial Policies document, the Commission may wish to receive the policies at this time and formally adopt them after it has had adequate time for review.

FINANCIAL IMPACT: The policies outlined here represent the City Commission's formal direction to staff as to how the City's financial affairs will be managed. While no immediate savings or costs are associated with the policy changes recommended herein, staff believes that over time they will strengthen the City's financial position. It should be noted that both the City Attorney and City's independent auditor have reviewed the recommended policies.

BUDGET ACTION REQUIRED: No budget action is required.

STAFF RECOMMENDATION: Adoption of the proposed Financial Policies.

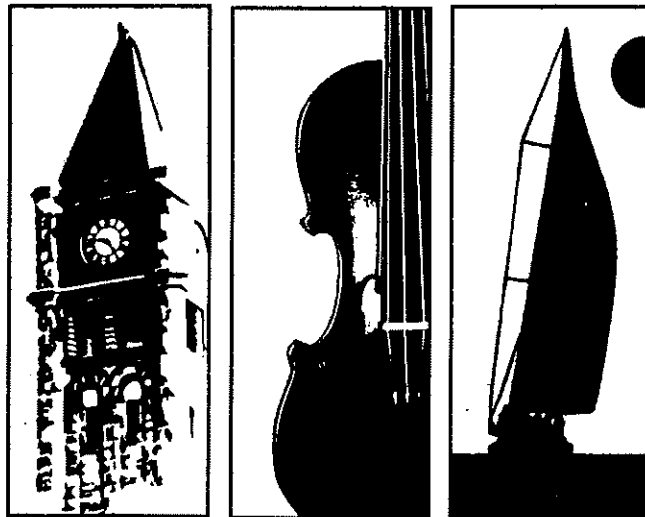
COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON

FINANCIAL POLICIES

UPDATED MARCH, 2002

MUSKEGON



West Michigan's Shoreline City

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INTRODUCTION

The financial policies presented here set forth the basic policy framework for the financial management of the City of Muskegon. Many of the policies represent long-standing principles, practices, or traditions that have guided the city in the past. They have been brought together in one place to ensure their consistency and to provide Commission and staff a comprehensive reference document for current and future decision-making. While these policies are intended to provide continuity within a constantly changing environment, it is also intended that they be reviewed regularly and amended as needed.

I. OPERATING BUDGET POLICY

The city shall adhere to the requirements of the State of Michigan "Uniform Budget Act" (P.A. 621 of 1978, as amended).

The budget shall be balanced by Fund. Budgeted expenditures of each fund will be less than or equal to the sum of projected fund balance at the beginning of the fiscal year and all revenues which reasonably can be expected to be received during the fiscal year. It will be the annual goal of the city to match current operating expenditures with current operating revenues for each fund. Where this is not possible due to economic downturn or other factors, the "operating deficit" (i.e. operating revenues less operating expenditures) will be clearly highlighted.

Budgets will be adopted on a basis of accounting consistent with generally accepted accounting principles. Revenues are budgeted when they become measurable and available and expenditures are charged against the budget when they become measurable, a liability has been incurred, and the liability will be liquidated with current resources.

The budget shall be adopted through a "Resolution of Appropriation." Appropriations will be made at the departmental or project level for the General Fund Budget and at the fund level for all other budgets. The level of formal appropriation will constitute the "appropriation center" for each fund as defined in the state Uniform Budget Act. Transfers of budgeted funds between appropriation centers will require the formal approval of the City Commission.

The City Manager and city Department Heads are authorized to transfer line-item budget amounts within appropriation centers. Budget transfers between appropriation centers or changes to appropriation center totals require formal amendment by the City Commission, which may be done at any time during the budget year.

Budgets will be carefully monitored throughout the year. Each quarter the budget together with the policies and priorities on which it is based will be thoroughly reviewed by the City Manager to determine whether changes are necessary. An amended budget reforecast will be presented to the City Commission based on this review.

Department Heads are authorized to reallocate budgeted positions between activities under their jurisdiction; however, new positions may only be created with approval of the City Manager and within the budgetary authority approved by the City Commission.

The city will integrate goals and objectives into the budget and develop a system to monitor performance in meeting city objectives.

All operating funds of the city are subject to the annual budget process and will be reflected in the annual budget document with the exception of certain "pass-through" funds (such as the current tax fund), trust and agency funds, funds having a separate fiscal year (e.g. CDBG), and non-recurring project and grant funds for which a budget shall be adopted at the time the project is approved.

The enterprise fund and internal service fund operations of the city are intended to be fully self-supporting, i.e. current revenues will cover current expenditures, debt service, and capital costs.

The city's budget will portray both direct and indirect costs of programs whenever practical.

As permitted by state law (P.A. 30 of 1978), the city will fund and maintain a separate Budget Stabilization Fund for the purpose of ensuring that adequate funding is available to maintain levels of municipal services in the event of a major revenue loss.

CONTINGENCY ACCOUNT

A "contingency" line-item will be included in the General Fund Budget for unforeseen operating expenditures. The amount of the contingency account will not exceed five percent (5%) of total budgeted expenditures. Use of the contingency account will require formal approval of the City Commission who will authorize the transfer of contingency funds to the appropriation center where the actual cost will be incurred. If in a given year it is determined that other budgeted operating funds require a contingency line-item, the same policy will be followed for these funds.

II. CAPITAL IMPROVEMENTS POLICY

A capital improvement program (CIP) will be developed for a period of five years. The CIP will outline and prioritize all proposed capital projects, including land acquisitions, land improvements, construction projects and equipment purchases having estimated costs over \$50,000 and useful lives of four or more years. As resources are available, the most current year of the CIP will be incorporated into the current year of the city's operating budget. The CIP will be reviewed and updated annually prior to the beginning of the operating budget cycle.

III. REVENUE POLICY

The city will strive to maintain a diversified and stable revenue system to shelter it from short-run fluctuations in any one revenue source. The revenue mix should combine elastic and inelastic revenue sources to minimize the effect of an economic downturn.

The city will estimate its annual revenues by an objective analytical process using the best information available.

The city will establish all user charges at a level related to the cost of providing the services and will *annually* revise user fees (with review by the City Commission) to adjust for the effects of inflation, program changes or other factors.

The city will set fees and user charges for each enterprise fund, such as the Water Fund and Sewer Fund, at a level that fully supports the total direct and indirect costs of the activity. Costs shall include the cost of annual depreciation of capital assets.

The city will set fees for other user activities, such as recreation services, at a level to support the direct and appropriate indirect costs of the activity.

The city will aggressively pursue collections of delinquent accounts receivable utilizing appropriate legal means (including outside collection agents) to enforce payment of amounts owed.

IV. GENERAL FUND RESERVE POLICY

It will be the city's policy to maintain an unreserved and undesignated General Fund fund balance reserve equal to at least ten percent (10%) of total actual General Fund Expenditures for the preceding year. The fund balance will be maintained to provide sufficient working capital and cash flow for daily financial needs and to help offset significant revenue shortfalls that may occur due to economic changes.

If upon completion of audited financial statements for a given year the actual unreserved and undesignated General Fund fund balance is found to exceed the policy target set above, the "excess" amount may be transferred to the city's Public Improvement Fund to finance general purpose capital needs.

V. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING POLICY

The City will establish and maintain those funds required by law and sound financial administration. Only the minimum number of funds consistent with legal and operating requirements will be established, however, because unnecessary funds result in inflexibility, undue complexity, and inefficient financial administration.

An independent full scope audit of all city funds will be performed on an annual basis. Selection of the independent auditor will be made by the City Commission based on a competitive request for proposal (RFP) process every three to five years.

The city will prepare a Comprehensive Annual Financial Report (CAFR) in accordance with Generally Accepted Accounting Principles (GAAP) as outlined by the Governmental Accounting Standards Board (GASB). It will be the city's goal to complete the annual audit and prepare the CAFR within 120 days of the end of the fiscal year.

The city shall submit annually its CAFR to the Certificate of Achievement for Excellence in Financial Reporting Program sponsored by the Government Finance Officers Association. Recommendations made by GFOA reviewers shall be incorporated into the city's CAFR for the subsequent year.

Additionally, upon completion of the annual audit and CAFR, the city will prepare a Popular Annual Financial Report (PAFR) designed to provide citizens and other interested parties with financial information that is easier to understand than that contained in the detailed CAFR. The PAFR will be widely distributed as a supplement with utility bill mailings or other distribution means.

VI. DEBT POLICY

EXTERNAL DEBT

The City of Muskegon will not use long-term debt to finance current operations.

The City of Muskegon will follow a policy of full disclosure and report all material facts about its financial condition in a timely manner.

The retirement of bonds issued by the city (or its authorities) will be equal to or less than the useful life of the project being funded.

Whenever possible the City of Muskegon (including its authorities) will limit its issuance of debt to a maximum of \$10 million per year to maintain the yield advantages associated with bank qualified obligations.

The city will structure bond issues to maintain a level or decreasing debt service schedule and maintain debt service payments as a predictable and manageable part of the operating budget.

"Pay-As-You-Go" financing will be used when practical. However, when the city utilizes long-term debt financing it will ensure that the debt is financed soundly by:

- Conservatively projecting revenue sources that will be utilized to repay the debt.
- Financing the improvement over a period not greater than the useful life of the improvement, and
- Determining that the benefits to be derived outweigh the total costs (including interest costs) of the project.

Capital lease, certificates of participation, and lease-purchase financing will be treated as debt financing and be subject to the same policies.

The city (and its Authorities) will normally issue debt through a competitive process in which formal bids will be solicited from as many interested parties as possible. The city will award sale of its bonds to the responsible bidder whose bid produces the lowest "true interest cost" (TIC) to the city over the life of the bond issue.

Under some circumstances, it is in the city's best interest to issue debt through a negotiated sale process instead of using a competitive process. The negotiated sale process will only be used when: 1) the nature of the debt issue is unique and requires particular skills from the investment banks involved, 2) the interest rate environment or other economic factors that may affect the issue are particularly volatile and the negotiated sale process can provide needed stability or, 3) the debt issue is bound by a closing deadline. In all cases where the negotiated process is utilized, the underwriter/manager will be selected by a competitive review of their fees, qualifications, and recent performance.

INTERFUND LOANS

In some situations it may be cost effective to loan money from one city fund to another in lieu of borrowing from external sources. Such interfund loans may only be made with formal approval of the City Commission including establishment of a fixed repayment schedule. Interest on interfund loans will be charged at the rate then available on U.S. Treasury notes having a comparable maturity.

VII. FIXED ASSETS CAPITALIZATION AND DEPRECIATION POLICY

CAPITALIZATION THRESHOLDS

Fixed assets are assets of a long-term character (i.e. a minimum useful life of two years) which are intended to continue to be held and used, such as land, buildings, improvements other than buildings, machinery, vehicles and equipment. This policy is intended to establish guidelines for accounting for, capitalizing and depreciating fixed assets held by the various city funds.

<u>Category</u>	<u>Capitalization Threshold (Unit Cost)</u>
Land	\$ N/A
Land Improvement	7,500
Buildings	7,500
Equipment	7,500
Vehicles	7,500
Office Equipment and Furniture	7,500

Only those items having *unit* costs in excess of the threshold limits specified above will be considered fixed assets for purposes of city accounting records. Fixed assets in the city's proprietary type funds (i.e. Enterprise, Internal Service) shall be capitalized in the year of purchase and depreciated over their estimated useful lives. Fixed assets of all other funds shall be recorded in the General Long Term Fixed Asset Group of Accounts in the year of purchase and shall not be depreciated. Certain public domain general fixed assets consisting of improvements such as roads, bridges, curbs and gutters, streets and sidewalks, drainage systems, and lighting systems are not capitalized.

General fixed assets are valued at historical cost or estimated historical cost if actual cost is not available. Donated assets are valued at their estimated fair value on the date donated. Property and equipment of the enterprise funds and internal service funds are carried at cost.

DEPRECIATION AND ESTIMATED USEFUL LIFE

Depreciation of Fixed Assets in the city's Proprietary Funds shall be accomplished using the simple straight life method. The estimated useful life of assets will be based on IRS policies, past experience, or other reliable sources. Useful lives typically will not exceed fifty (50) years.

VIII. LIABILITY INSURANCE CLAIM SETTLEMENTS

Under the Michigan Municipal Risk Management Authority (MMRMA) program the city is self-insured for the first \$75,000 of any single liability claim. A portion of the city's annual "premium" paid to MMRMA is set aside in a reserve account to cover this retained risk and no disbursement can be made from this reserve without prior authorization from the city.

When a claim is made against the city, all pertinent information is turned over to MMRMA. The "claims adjusting" section of MMRMA then investigates the claim thoroughly and recommends a course of action to the city (e.g. deny claim, settle for no more than X dollars, etc.).

The following policy will govern the handling of such liability claims:

- The City Manager or the Finance Director are authorized to approve settlements up to \$10,000 provided that the settlement is consistent with the recommendation of the MMRMA.
- Settlements for amounts less than \$10,000 which are not consistent with the recommendation of MMRMA may only be authorized with concurrence of the City Attorney and timely notification of the City Commission.
- Proposed claim settlements in excess of \$10,000 must be reviewed and approved by the City Commission.

IX. POLICY FOR ADJUSTING UNCOLLECTIBLE ACCOUNTS

During the normal course of conducting its business, the city invoices outside parties for a variety of reasons ranging from taxes, fines, or penalties to the sale of city services or goods. Most billings are paid promptly and the majority of those that are not are ultimately collected through discontinuance of service, use of third-party collection services, or other means. However, it is periodically necessary to adjust the city's receivable records by "writing-off" accounts deemed to be uncollectible or by making an adjustment to reflect the negotiated settlement of a disputed account.

The city's policy for adjusting accounts receivable shall be:

Preliminary authorization for adjustments or write-offs of individual accounts receivable for amounts not in excess of \$10,000.00 may be given by the City Manager or other responsible official designated by the City Manager (e.g. the City Treasurer in the case of water bills). At least once each year (or more frequently if deemed necessary) a comprehensive listing of all such accounts together with the reasons the accounts are deemed uncollectible will be presented to the City Commission for review and formal approval.

The adjustment or write-off of individual accounts receivable for amounts in excess of \$10,000.00 shall be approved by the City Commission on an individual basis.

Adjustments to accounts receivable which are determined by the City Treasurer to be necessary due to administrative error may be made without going through the procedure outlined above.

X. POLICY FOR ADJUSTING DELINQUENT PERSONAL PROPERTY TAXES

The city's policy for adjusting delinquent personal property taxes shall be as follows:

- A reserve for estimated uncollectible personal property taxes shall be maintained in each fund having delinquent personal property tax receivables. The reserve will be equal to one-half of the fund's delinquent personal property taxes outstanding as of each December 31.
- The city shall only maintain in its general ledger records delinquent personal property tax receivables for the five most recent years. At the close of each fiscal year, the city will write-off any balances remaining uncollected that are more than five years old. Balances written off may be turned over to a private collection agency for additional collection efforts.

Real property taxes that become delinquent are turned over to the County treasurer for collection. The City is generally made whole at the outset of the collection process and only "charged back" for those taxes that remain delinquent after several years of unsuccessful collection effort.

XI. INVESTMENT POLICY

The City of Muskegon ("the City") is located in Western Michigan on the shores of Lake Michigan. The City covers eighteen square miles and is the largest city on the Eastern Shore of Lake Michigan. The City operates under a Commission-Manager form of government, with a seven-member commission that appoints the City Manager and the Director of Finance. The Director of Finance serves as the City's Investment Officer as defined in Michigan Compiled Laws (MCL) Chapter 129.91.

The following Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal and investment management of the City's funds. The purpose of this Investment Policy is to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the City of Muskegon.

This Investment Policy has been adopted by the City Commission of the City of Muskegon by resolution on February 26, 2002 and it replaces any previously dated investment policies, guidelines or lists of authorized investments.

SCOPE

This Policy shall apply to the investment management of all financial assets under control of the City with the exception of the City's Police and Fire Pension fund, the City Employees' Pension fund and the Retiree Health Care Fund, which are administered separately by their respective boards of trustees.

All excess cash, except for cash in certain restricted and special accounts, shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance. Interest earnings shall be distributed to the individual funds on a monthly basis.

OBJECTIVES

The City's principal investment objectives are:

- Preservation of capital and protection of investment principal.
- Maintenance of sufficient liquidity to meet anticipated cash flows.
- Attainment of a market value rate of return.

PRUDENCE

The standard of prudence to be used for managing the City's assets shall be the "prudent investor rule" which in general states that investments shall be made with the judgment and care that under the circumstances then prevailing, persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

The City's investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally riskless and that

the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses are inevitable in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

The Director of Finance and authorized investment personnel acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the City Commission and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any financial interests they have in financial institutions that conduct business with the City and they shall subordinate their personal investment transactions to those of the City.

DELEGATION OF AUTHORITY

Responsibility for the investment of the City's funds covered by this Investment Policy resides with the Director of Finance who shall develop written administrative procedures and internal controls, consistent with this Policy, for the operation of the City's investment program.

The Director of Finance may delegate the authority to conduct investment transactions and to manage the operation of the investment portfolio to the Assistant Finance Director and/or the City Treasurer. No person may engage in an investment transaction except as expressly provided under the terms of this Investment Policy.

The City may engage the support services of outside professionals in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of the City's financial resources.

AUTHORIZED SECURITIES AND TRANSACTIONS

All investments of the City shall be made in accordance with MCL Chapter 129.91 - 129.96 (Act 20 of 1943). Any revisions or extensions of these sections of MCL will be assumed to be part of this Investment Policy immediately upon being enacted.

The City has further restricted the investment of funds to the following types of securities and transactions:

1. U.S. Treasury Obligations: Treasury Bills, Treasury Notes and Treasury Bonds with a final maturity not exceeding five years from date of trade settlement.
2. Federal Instrumentality Securities: Debentures, discount notes and callable securities, with a final maturity not exceeding five years from the date of trade settlement, issued by the following only: Federal Home Loan Banks (FHLB), Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB), Federal Home Loan Mortgage Corporation (FHLMC) and Student Loan Marketing Association (SLMA).

3. Repurchase Agreements: With a termination date not to exceed one year collateralized by U.S. Treasury Obligations or Federal Instrumentality Securities listed in items 1 and 2 above with the maturity of the collateral not exceeding 10 years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have an original minimum market value including accrued interest of 102 percent of the dollar value of the transaction and the collateral maintenance level shall be 101 percent. Collateral shall be held in the City's custodian bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-market daily.

Repurchase Agreements shall be entered into only with dealers who have executed a City approved Master Repurchase Agreement with the City and who are recognized as Primary Dealers with the Securities Reports Division of the Federal Reserve Bank of New York. Primary Dealers approved as Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent by at least one service that rates the firm. The Director of Finance shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of the broker/dealers who have an executed Master Repurchase Agreement with the City.

4. Commercial Paper: With maturities not exceeding 270 days from the date of trade settlement which is rated at least A-1 by Standard and Poor's, P-1 by Moody's or F1 by Fitch at the time of purchase by at least two of these services which rate the commercial paper. The aggregate investment in commercial paper shall be limited to 25% of the total portfolio.
5. Eligible Bankers Acceptances: with original maturities not exceeding 180 days from the date of trade settlement, issued on United States banks whose senior long-term debt is rated, at the time of purchase, A+ by Standard & Poors, A1 by Moody's or A+ by Fitch. The aggregate investment in eligible bankers acceptances shall be limited to 25% of the total portfolio.
6. Time Certificates of Deposit: with maturities not exceeding five years, in state or nationally chartered banks whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC) or collateralized in accordance with MCL 129.12. Time Certificates of Deposit exceeding \$100,000, may be purchased only from financial institutions which meet the criteria set forth under the section of this policy, "Selection of Depository Banks." The aggregate investment in time certificates of deposit shall be limited to 25% of the total portfolio.
7. Mutual Funds: registered under the Investment Company Act of 1940 which (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a daily net asset value per share that fluctuates not more than +/- 1.5% of the fund's original net asset value; and (3) limit assets of the fund to securities authorized in MCL 129.91 as legal investments for municipalities.
8. Money Market Mutual Funds: registered under the Investment Company Act of 1940 which (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) limit assets of the fund to securities authorized in MCL 129.91 as legal investments for municipalities; and (4) have a maximum stated maturity and weighted average maturity in accordance with Federal Securities Regulation 2a-7.
9. Investment Pools: organized under the Surplus Funds Investment Pool Act (MCL 129.111 to 129.118) which: (1) are "no-load" (i.e. no commission fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) limit assets of the fund to securities authorized in MCL 129.91 as legal investments for municipalities; and (4) have a maximum stated maturity and weighted average maturity in accordance with Federal Securities Regulation 2a-7.

10. Joint Interlocal Investment Ventures organized under the Urban Cooperation Act of 1967, (MCL 124.501 to 124.512) which (1) are "no-load (i.e. no commission fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) limit assets of the fund to securities authorized in MCL 129.91 as legal investments for municipalities; and (4) have a maximum stated maturity and weighted average maturity in accordance with Federal Securities Regulation 2a-7.

It is the intent of the City that the foregoing list of authorized securities be strictly interpreted. Any deviation from this list must be preapproved by the City Commission.

The City recognizes that bond proceeds may, from time to time, be subject to the provisions of the Tax Reform Act of 1986, Federal Arbitrage Regulations, as amended. Due to the legal complexities of arbitrage law and the necessary immunization of yield levels to correspond to anticipated cash flow schedules, the reinvestment of such debt issuance may, upon the advice of Bond Counsel or financial advisors, deviate from the maturity limitation provisions of this Policy.

INVESTMENT DIVERSIFICATION AND LIQUIDITY

It is the intent of the City to diversify the investments within the portfolio to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities. Nevertheless, the asset allocation in the portfolio should be flexible depending upon the outlook for the economy, the securities markets, and the City's anticipated cash flow needs.

The maximum investment in each of the following categories shall not exceed 25% of the total portfolio: Commercial Paper, Eligible Bankers Acceptances and Time Certificates of Deposit.

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. Unless matched to a specific cash flow requirement, the City will not invest in securities maturing more than 5 years from the date of trade settlement. The City shall maintain at least 10% of its total portfolio in instruments maturing in 30 days or less. The weighted average final maturity of the City's portfolio shall at no time exceed 3 years.

Diversification and liquidity requirements shall apply to the portfolio in the aggregate and not to individual funds within the portfolio.

The maturity provisions in the previous paragraph do not apply to the city's non-expendable trust funds (the Cemetery Perpetual Care fund, the Reese Playfield Trust, and the Hackley Park Trust). These funds may be invested in U.S. Treasury Obligations and Federal Instrumentality Securities permitted herein with maturities as long as 30 years.

Bond proceeds are not pooled for investment purposes and shall be excluded from calculations of the diversification and liquidity requirements in this section. Other deviations from the diversification and liquidity requirements in this section can be made only with the advance written authorization of the City Commission.

SELECTION OF FINANCIAL INSTITUTIONS AND BROKERS

The Director of Finance shall maintain a list of authorized broker/dealers and financial institutions which are approved for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized institutions and firms.

To be eligible, a broker/dealer or financial institution must meet at least one of the following criteria:

1. Be recognized as a Primary Dealer by the Securities Reports Division of the Federal Reserve Bank of New York,
2. Report voluntarily to the Securities Reports Division of the Federal Reserve Bank of New York, or
3. Meet the securities dealer's capital adequacy requirements of the New York Federal Reserve Bank and provide written certification to the City that the requirements have been met on a continuous basis for the previous twelve-month period.

Broker/dealers and other financial institutions will be selected by the Director of Finance on the basis of their expertise in public cash management and their ability to provide services for the City's account. Approved broker/dealers and the firms they represent shall be licensed to do business in the State of Michigan and as such are subject to the provisions of Michigan Statutes relating to the investment of public funds. Broker/dealers shall attest in writing that they have received and reviewed a copy of this Policy.

Each broker/dealer, bank or savings and loan that has been authorized by the Director of Finance shall be required to submit and annually update a City approved Broker/Dealer Information Request form which includes the firm's most recent financial statements. The Director of Finance shall maintain a list of the broker/dealers that have been approved by the City, along with each firm's most recent Broker/Dealer Information Request form.

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in Item 4 of the Authorized Securities and Transactions section of this Policy.

COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with broker/dealers who have been authorized by the City. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.

If the City is offered a security for which there is no other readily available competitive offering, then the Director of Finance will document quotations for comparable or alternative securities.

When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

SELECTION OF DEPOSITORY BANKS

Periodically, through a Request for Proposal process, the City shall select a bank to provide checking account and other banking services for the City. To be eligible for authorization, a bank must (1) be a member of the FDIC, (2) maintain a permanent office within the City and (3) meet the minimum credit criteria (described below) of credit analysis provided by commercially available bank rating services.

Notwithstanding provision (2) in the preceding paragraph, Time Certificates of Deposit described in the section of this policy, "Authorized Securities and Transactions" may be purchased from authorized banks if they maintain a principal office or a branch office in the State of Michigan.

The City shall utilize the commercially available bank rating services of PMA Financial Network, Inc. and/or the Sheshunoff Bank and S&L Quarterly to perform credit analyses on banks and savings and loans seeking authorization. Data obtained from the bank rating services will include factors covering overall rating, liquidity policy, credit risk policy, interest rate policy, profitability, and capital policy. To be eligible for designation to provide banking services, a financial institution must qualify as a depository of public funds in the State of Michigan as defined in MCL Chapter 129.91 and shall meet the following criteria:

1. have a Sheshunoff Peer Group Rating of 30 or better on a scale of zero to one hundred with one hundred being the highest quality for the most recent reporting quarter before the time of selection; or
2. have a PMA Financial Network, Inc. overall rating of three or better on a scale of one to five with one being the highest quality for the most recent reporting quarter before the time of selection.

The Director of Finance shall maintain a file of the most recent credit rating analysis reports performed for each approved financial institution by one of the above listed rating firms. Bank credit analysis shall be performed on a semi-annual basis.

SAFEKEEPING AND CUSTODY

The Director of Finance shall select a bank to provide safekeeping and custodial services for the City. A City approved safekeeping agreement shall be executed with the custodian bank prior to utilizing that bank's safekeeping services. The custodian bank shall meet the following criteria:

1. have a Sheshunoff Peer Group Rating of 20 or better on a scale of zero to one hundred with one hundred being the highest quality for the most recent reporting quarter before the time of selection; or
2. have a PMA Financial Network, Inc. overall rating of three minus or better on a scale of one to five with one being the highest quality for the most recent reporting quarter before the time of selection.

The custodian bank will be selected on the basis of its ability to provide services for the City's account and the competitive pricing of its safekeeping related services.

The Director of Finance shall maintain a file of the credit rating analysis reports performed for the custodian bank by one of the above listed rating firms. Bank credit analysis shall be performed on a semi-annual basis.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. It is the intent of the City that ownership of all securities be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, except Certificates of Deposit, Mutual Funds, Investment Pools and Joint Interlocal Investment Ventures, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by the custodian bank, its correspondent bank or its Depository Trust Company (DTC) participant account.

All Fed wireable book entry securities owned by the City shall be evidenced by a safekeeping receipt or a customer confirmation issued to the City by the custodian bank stating that the securities are held in the Federal Reserve system in a CUSTOMER ACCOUNT for the custodian bank which will name the City as "customer."

All DTC eligible securities shall be held in the custodian bank's Depository Trust Company (DTC) participant account and the custodian bank shall issue a safekeeping receipt evidencing that the securities are held for the City as "customer."

All non-book entry (physical delivery) securities shall be held by the custodian bank's correspondent bank and the custodian bank shall issue a safekeeping receipt to the City evidencing that the securities are held by the correspondent bank for the City as "customer."

PORTFOLIO PERFORMANCE

The investment and cash management portfolio shall be designed to attain a market value rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements.

The performance of the City's investments shall be compared to the average yield on the U.S. Treasury Security that most closely corresponds to the portfolio's actual weighted average effective maturity. When comparing the performance of the City's portfolio, its rate of return will be computed net of all fees and expenses.

REPORTING

Accounting and reporting on the City's investment portfolio shall conform to Generally Accepted Accounting Principles (GAAP) and the Governmental Accounting Standards Board (GASB) recommended practices. On a monthly basis, the Director of Finance shall submit to the City Commission an investment report, listing the investments held by the City, the current market valuation of the investments and performance results. The report shall include a summary of investment earnings during the period. A record shall be maintained by the City of all bids and offerings for security transactions in order to ensure that the City receives competitive pricing.

Reports prepared by outside advisors shall be sent to the City's Director of Finance.

POLICY REVISIONS

This Investment Policy shall be reviewed periodically by the Director of Finance and may be amended by the City Commission as conditions warrant.

GLOSSARY OF TERMS USED

Bankers' Acceptance (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides.

Callable Bond: A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

Certificate of Deposit: A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs are typically negotiable.

Collateral: Securities or property pledged by a borrower to secure payment.

Commercial Paper: An unsecured promissory note with a fixed maturity of no more than 270 days. Commercial paper is normally sold at a discount from face value.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery Versus Payment: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (also called free). Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Deposit Insurance Corporation (FDIC): A federal institution that insures bank and savings and loan deposits, currently up to \$100,000.

Federal Funds Rate: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Fed Wire: A computer system linking member banks and other financial institutions to the Fed, used for making inter-bank payments of Fed funds and for making deliveries of and payments for Treasury, agency and book-entry mortgage backed securities.

Investment Adviser's Act: Legislation passed by Congress in 1940 that requires all investment advisers to register with the Securities and Exchange Commission. The Act is designed to protect the public from fraud or misrepresentation by investment advisers.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value.

Local Government Investment Pool: The aggregate of all funds from political subdivisions that are placed in custody of pools authorized under the laws of the State.

Mark-to-market: The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Value: Current market price of a security.

Master Repurchase Agreement: A written contract covering all future transactions between the parties to repurchase or reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market Mutual Fund: A mutual fund that limits its investments to some or all types of money market instruments.

Net Asset Value: The market value of one share of an investment company, such as a mutual fund.

No Load Fund: A mutual fund that does not levy a sales charge on the purchase of its shares.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

Prudent Person Rule: Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Ratings: An evaluation of an issuer of securities by Moody's, Standard & Poor's, Fitch, or other rating services of a security's credit worthiness.

Repurchase Agreements: A holder of securities sells securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him/her. Dealers use repurchase agreements extensively to finance their positions.

Rule 2a-7 of the Investment Company Act: Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13-month maturity limit and a 90-day average maturity on investments, both designed to help the fund maintain a constant one dollar (\$1.00) net asset value.

Safekeeping: Holding of assets (e.g., securities) by a financial institution.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months or six months.

Treasury Bonds: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate term coupon bearing U.S. Treasury securities having initial maturities of from two to ten years.

Yield: The rate of annual income return on an investment, expressed as a percentage.

XII. PETTY CASH USES AND LIMITS

Petty cash accounts may be established in such locations and in such amounts as may be determined necessary by the City Manager. Petty cash disbursements up to \$300.00 are permitted for the following purposes: 1) for the expedited purchase of minor goods or services, 2) to provide immediate reimbursement to employees for travel or other costs paid out of their own pocket in the conduct of city business and, 3) to provide immediate refunds to customers as warranted. All uses of petty cash must be fully supported by receipts or other appropriate documentation. Petty cash procedures shall be reviewed periodically by the city's independent auditor.

Employees traveling on city business may receive a petty cash travel advance of up to \$300.00 from the City Treasurer's Office to be used for travel purposes. The employee's department head must approve travel advances. Cash advances of more than \$300.00 are discouraged and will only be made upon written authorization of the employee's department head and the city manager.

In order to distinguish travel advance requests from expense reporting, while simplifying the process to the extent possible, we created a new form for that purpose. Please note that with the new *Request for Petty Cash Travel Advance* form, the requesting party must acknowledge that receipts and any money owed the city must be returned within ten days of return from travel. If

the money and/or expense documentation is not returned, the employee authorizes the full amount of the travel advance to be deducted from their paycheck along with a \$5.00 processing fee. The *Request for Petty Cash Travel Advance* forms are available through the City Treasurer's Office.

Note that travel expenses should continue to be reported on the *Travel Expense Reporting Form* as soon as possible upon returning from travel. *Travel Expense Reporting Forms* are available on the City's Intranet Page.

XIII. PROCEEDS FROM SALE OF CITY-OWNED REAL ESTATE

From time to time the city sells real estate that it owns. It is city policy that, unless required by law or by specific direction of the City Commission, proceeds from such property sales shall be deposited to the city's Public Improvement Fund to be used to finance general purpose capital needs.

In the case of tax reverted property sold by the city, sale proceeds will first be used to reimburse appropriate city funds for expenses incurred in maintaining and selling the property. Any remaining sale proceeds will be distributed to the city and other taxing jurisdictions in the same manner as regular property taxes.

XIV. PROCUREMENT CARD PROGRAM POLICY

GENERAL

Regular government purchasing methods, such as purchase orders, can be cumbersome and costly in relation to the value of goods being purchased. To promote operational efficiency, the city has adopted a procurement card purchasing program for use with small dollar value purchases.

A number of unique controls have been developed for the procurement card program. These controls will ensure that cards can be used only for specific purchases and within specific dollar limits. In addition, documentation of all purchases is required by each cardholder with further approval from the department head and the City Manager's office before payment is made.

The unique procurement card issued by the city has the employee's name embossed on it together with the City's tax-exempt status. No one other than the employee in whose name is on the card may use the card. **CITY ISSUED PROCUREMENT CARDS MAY ONLY BE USED BY DESIGNATED CITY EMPLOYEES FOR THE PURCHASE OF GOODS OR SERVICES FOR THE OFFICIAL BUSINESS OF THE CITY OF MUSKEGON. UNDER NO CIRCUMSTANCES IS THE PROCUREMENT CARD TO BE USED FOR PERSONAL PURCHASES.**

DESIGNATION OF RESPONSIBLE OFFICIAL

The Finance Director is designated as the official responsible for overseeing compliance with this procurement card policy including procurement card issuance, accounting for procurement card transactions, monitoring and payment of procurement card statements.

TRANSACTION AMOUNTS

The procurement card may be used for purchases of individual items up to \$2,500.00 in value. The *total monthly dollar value* of transactions on each procurement card will generally be limited to \$5,000.00. The City Manager may establish higher monthly credit limits for employees whose positions require higher than normal use of the procurement card. Also, procurement cards may be used for individual purchases exceeding \$2,500.00 with prior authorization of the City Manager. The total combined authorized credit limit of all procurement cards issued by the city shall not exceed five percent of the city's total budget for the current year. All purchases made with a city procurement card must be fully supported by receipts, invoices, and other documentation. Such documentation is to be attached to the monthly procurement card statement and cardholder's reconciliation.

EMERGENCY TRANSACTION AMOUNTS

In the event of an extended emergency, the City Manager is authorized to establish higher procurement card limits on a temporary basis so that city employees may procure goods and services necessary to deal with the emergency. In the event this provision is activated, the City Manager shall provide timely written notification to the City Commission of the employees whose limits have been increased, the amount of increase, and the period of time the increases are expected to be in effect. In no event are emergency transaction limits to be in effect for more than thirty days.

INTEREST COSTS AND SALES TAX

It is the city's policy to pay in full each month on or before the due date the total balance due on its procurement cards thereby avoiding interest charges. As a municipality, the city is exempt from payment of state sales tax. City procurement card users are expected to exercise care in conducting transactions to ensure that they are not incorrectly charged for sales tax.

OTHER PURCHASING POLICIES

The procurement card is a supplement to other purchasing procedures such as purchase orders. As with the other purchasing methods, the following conditions must be met when using your procurement card.

- Each single purchase may be comprised of multiple items, but the total cannot exceed the single purchase dollar limit on your procurement card.
- When purchases exceed the established dollar limits, the normal procedures of using purchase orders must be followed unless written authorization is given by the employee's department head.
- The least expensive item that meets your basic needs should be bought and competitive quotes must be obtained in accordance with existing purchasing policies.
- Cardholders must follow normal budgetary control procedures to ensure that sufficient funds are available prior to making purchase.
- Use of the procurement card does not relieve the cardholder from complying with Federal, State and city ordinances, regulations, policies and procedures.
- Use of the procurement card is not intended to replace effective procurement planning which enable volume discounts.
- Purchases are not to be split to circumvent procurement regulations.

RESTRICTIONS ON USE

The following list covers purchases for which procurement cards use is prohibited:

- Cash advances through bank tellers or teller machines.
- Traveler's Checks.
- Purchase of gasoline or diesel fuel for city vehicles except in emergencies (use city pumps or Fuelman System).
- Purchase of items stocked in city inventory unless required in emergencies.
- Additional specific restrictions as deemed necessary by individual departments.

XV. ELECTRONIC PAYMENTS

Modern technology makes it possible to transfer funds electronically in lieu of issuing paper checks. This technology offers many benefits to users including lower transaction costs, reduced opportunities for fraud, and better cash management control. The city has effectively utilized this technology for several years for purposes such as direct deposit of employee paychecks and automatic payment of customers' water bills. The city supports continued use and expansion of electronic payments technology for payment of vendors and other uses provided appropriate internal controls are established. The City Manager and Finance Director, in conjunction with the city's independent auditors, are authorized to develop the necessary procedures and controls for expanded use of this technology in the City of Muskegon.

XVI. ACCEPTANCE OF CREDIT CARD PAYMENTS

The city has studied the costs and benefits of accepting credit card payments from customers and has determined that credit card acceptance significantly enhances customer service and provides administrative and other benefits to the city that outweigh the associated costs. Accordingly, the city's policy shall be to accept credit cards for payment of all city bills and invoices *except routine payment of property taxes and income taxes*. The City Treasurer or Income Tax Administrator may permit payment by credit card for property or income taxes in specific collection cases where they have determined it is in the city's best interest to do so.

XVII. TRAVEL POLICY AND GUIDELINES

SCOPE

This policy applies to all City of Muskegon elected officials, employees, board members, volunteers and others when travelling on official City business and/or travelling at city expense.

AUTHORIZED TRAVEL

In the normal course of conducting City business, employees are required to travel for purposes of work-related meetings, training opportunities, professional conferences, or other business purposes. As part of the annual budget process, departments' request funding for travel purposes for the coming year. Department heads have full authority to approve travel for their employees (without additional authorization) within limits of the department's approved travel budget. Travel that is significantly beyond the parameters of the department's travel budget should be approved by the City Manager together with a corresponding budget adjustment if required.

TRAVEL COSTS

The City recognizes that its employees are responsible adults who take the same care in incurring travel expenses while on City business as when traveling on personal business. Accordingly, this policy does not establish rigid cost limits for lodging, meals, or other travel costs. Instead, the following general guidelines are offered while recognizing that special circumstances may dictate that employees incur costs beyond these guidelines:

Lodging - Lodging costs should generally range between \$60.00 - \$120.00 per night depending on location (based on single occupancy and including local taxes which the City is not exempt from). Employees are relied upon to use their good judgment in selecting safe and economical accommodations.

Two important factors to remember when making hotel reservations: 1) you should always ask for special "government" rates that are typically deeply discounted from regular rates and, 2) you should identify the travel as official City business exempt from state sales tax and inquire as to any specific documentation requirements the hotel may have.

Costs for in-room movies, exercise rooms, or other hotel services not included in the basic room rate are not reimbursable by the City.

Meals - Meal costs should generally not exceed \$34.00 per person for each full day of travel (including gratuities and taxes). For partial day travel or individual meal reimbursements, the following limits will apply:

Breakfast	\$7.00	Travel Before 8:00 AM
Lunch	\$9.00	Travel Before 12:00 Noon
Dinner	\$18.00	Travel Before 6:00 PM

Individual meal limits will apply regardless of whether or not reimbursement is sought for other meals during the day. For example, it is not permissible to "skip" breakfast and lunch in order to be reimbursed \$34.00 for a dinner; instead, the dinner will only be reimbursed up to the ~~\$19.00~~ ^{18.00} limit specified above. Often lunch or other meals are included in the registration price of a seminar or conference. It is expected that employees attending these functions will partake in these meals. The City will not reimburse meal costs if the employee chooses to forgo the conference meal and dine elsewhere.

Transportation - Vehicle travel may be by either City vehicle or the employee's private vehicle. If a private vehicle is used, reimbursement will be based on the number of miles traveled times the allowable IRS business mileage rate in effect as of the preceding January 1. Air travel is generally used for destinations more than 200 miles away. Employees are encouraged to take advantage of discounted airfares and should utilize the Muskegon County Airport whenever possible.

Employees may elect to use private vehicles for travel to destinations more than 200 miles away and will be reimbursed based on the current IRS mileage rate or equivalent round trip coach airfare for that destination, whichever is less. However, no reimbursement will be made for added lodging or meal costs incurred because of the extra travel time.

Employees who elect to use their own vehicle should be aware that under the laws of the State of Michigan, every vehicle owner is required purchase insurance that is the primary coverage for that vehicle. While using a private vehicle for City travel, any automobile liability insurance coverage in force for the City is excess coverage only for the employee/vehicle owner.

Other Costs - Other incidental costs (such as parking, ground transport, phone calls), should not exceed an average of \$15.00 per day. Rental car costs generally will not be reimbursed by the city as it is expected that employees will utilize lodging in close proximity to the conference or other event. In extraordinary circumstances where the employee deems it necessary to rent a car, reimbursement will only be made with the written authorization of the city manager.

Traveling With Spouse - There is no objection to employees inviting their spouse to travel along on City business. However, the City will pay for none of the spouse's travel expenses and care should be taken to maintain separate records of the employee's reimbursable travel costs.

PAYING FOR TRAVEL COSTS

Methods available for employees to pay travel costs include the following:

City Credit Card - Employees who have been issued a City of Muskegon credit card should use it to pay their travel costs. Additionally, in each department a credit card holder is designated to use their card to pay for other employees' travel costs that can be readily handled in advance (e.g. airline tickets, conference registration, hotel, etc.).

Personal Credit Card - Employees who have not been issued a City credit card may find it convenient to pay travel costs on their own personal credit card and receive cash reimbursement from the City.

Petty Cash Advance - Employees traveling on city business may receive a petty cash travel advance of up to \$300.00 from the City Treasurer's Office to be used for travel purposes. The employee's department head must approve travel advances. Cash advances of more than \$300.00 are discouraged and will only be made upon written authorization of the employee's department head and the city manager.

In order to distinguish travel advance requests from expense reporting, while simplifying the process to the extent possible, we created a new form for that purpose. Please note that with the new *Request for Petty Cash Travel Advance* form, the requesting party must acknowledge that receipts and any money owed the city must be returned within ten days of return from travel. If the money and/or expense documentation is not returned, the employee authorizes the full amount of the travel advance to be deducted from their paycheck along with a \$5.00 processing fee. The *Request for Petty Cash Travel Advance* forms are available through the City Treasurer's Office.

Note that travel expenses should continue to be reported on the *Travel Expense Reporting Form* as soon as possible upon returning from travel. *Travel Expense Reporting Forms* are available on the City's Intranet Page.

REPORTING REQUIREMENTS FOR TRAVEL EXPENSE REIMBURSEMENT

Travel expense reporting has been simplified to the extent possible. The following guidelines apply to travel expense reporting:

- Travel expenses are to be reported on the Travel Expense Reporting Form included with this pamphlet as soon as possible upon returning from travel.
- Only expenses for which cash reimbursement is sought by the employee need to be reported. Expenses paid in advance or expenses paid by City credit card should not be included on the Travel Expense Reporting Form.
- **Expenses must always be supported by receipts or other documentation.**
- If total expenses to be reimbursed are \$300.00 or less, you may obtain immediate reimbursement from the City Treasurer's Office.
- If total expenses to be reimbursed are more than \$300.00, they will be reimbursed as a separately itemized, non-taxable category on the employee's regular bi-weekly paycheck. Accordingly, travel expense report forms must be submitted to the Finance Office with all necessary approvals no later than 5:00PM on the Friday prior to payday for reimbursement on that paycheck.

DOUBLE-DIPPING

It should go without saying that City expects honest and ethical behavior from its employees in handling travel expense matters. Travel expenses that are partially or fully paid by outside parties (such as federal agencies) are not to also be submitted for reimbursement from the City. Any

employee found to be deliberately misreporting travel expenses will be subject to disciplinary action as well as potential prosecution.

LOCAL BUSINESS EXPENSES

In addition to travel expenses, it is sometimes appropriate for City employees to incur costs on behalf of boards or committees or in the course of entertaining visiting guests. Department heads have full authority to approve such costs (within budgetary limits) and the same general guidelines as outlined above for employee travel expenses should be followed.

XVIII. CASH HANDLING POLICY FOR DEPARTMENTS ACCEPTING PAYMENTS FROM CITIZENS

This policy is intended as a guide and supplement to other measures which should exist surrounding the collection, timely deposit, and recording of collections in the records at each city location.

For some city departments that have higher volumes of cash transactions, a cash register is used to record receipt transactions. All transactions must be entered in the register and **a receipt must be issued to each customer**. For other departments, the method for recording and balancing is with a receipt book that has pre-numbered receipts. This method is acceptable with the understanding that all transactions are entered, and **a receipt is issued to every customer**. The pre-numbered receipt books are issued to city departments by the treasurer's office.

City departments handling cash have starting cash, which is used for making change for their customers. When balancing out the daily transactions, you first remove the starting cash amount. The receipts should offset the money (cash and checks) that you have remaining. If this is not the case, then, you have an overage or a shortage. This must be noted on your pink "cash-out" slip/sheet. Two signatures are required for all deposits. If a discrepancy (shortage or overage) occurs, the department's authorized person (usually the department head) must review and sign the cash-out slip/sheet.

For departments that have a cash register, on a daily or other periodic basis, you should enter a summary of the receipt transactions into the SCI Financial System's Cash Receipts module on a "cash sheet" and generate a "Cash Receipts Edit" report. The "Cash Receipts Edit" report, cash register transaction summary tape, money received, an adding machine tape and/or item count of checks and the "cash-out" sheet should be hand delivered to the City Treasurer's office each day. The treasurer's office will issue a receipt for the total amount deposited.

For departments without a cash register, on a daily or other periodic basis, you should prepare a deposit report detailing the receipt transactions being deposited. Each deposit report includes all pre-numbered receipt numbers used by the department since the last report, even if the receipt was voided. The deposit report, money received, an adding machine tape and/or item count of checks and the "cash-out" sheet should be hand delivered to the City Treasurer's office each day. The treasurer's office will issue a receipt for the total amount deposited.

If assistance is needed in reference to any of the above, please contact the treasurer's office.

XIX. ACCOUNTS PAYABLE

The city fully recognizes the importance of paying its vendors and suppliers in a timely manner. Late vendor payments result in higher costs as well as damage to the city's reputation. Accordingly, it is city policy to issue accounts payable (A/P) checks on the second and fourth Fridays of each month. This cycle will ensure that (provided timely departmental approvals are obtained) vendor payments will be made within 30 days of invoice receipt.

City departments are expected to plan their payment transactions around the regular A/P check cycle; off-cycle A/P checks will not be permitted without the approval of the Finance Director or Assistant Finance Director. In emergency situations where payment cannot wait for the regular A/P check cycle, arrangements can be made with the Finance Department to electronically transfer funds to the vendor's account.

XX. ACCOUNTS RECEIVABLE AND BANKRUPTCY

BASIC COLLECECTION PROCEDURES

Each department will input all invoices through the City's A/R system software. Periodically, the Revenue Collections Administrator will review all invoices over 90 days and may request supporting account documentation from the department that originated the invoice. Upon reviewing the account history, debtor information, and account balance, the Revenue Collections Administrator will determine the appropriate collection action(s).

The following steps should be followed in collecting delinquent accounts. The size of the account may influence the effort put into collection attempts. The expenditure of time, effort, and money to collect large amounts is appropriate; however, the same effort expended on very small (under \$25.00) accounts is wasteful. The course of action may be one or more of the following:

- a) Attempt to collect on the account in house:
 - 1) A series of collection letters should be sent if payment is not received from the billings.
 - 2) Telephone contact is recommended if no explanation or payment is received in response to billings or collections letters.
- b) Proceed with legal collection efforts through Small Claims Court.
- c) Forward account(s) to City Attorneys Office for consideration.
- d) Delinquent accounts upon which the City is unsuccessful in collection through the above procedures may be referred to a collection agency.
- e) Requests the outstanding balance be submitted for write off.

From time to time, debtors may want to enter into negotiations regarding their delinquent account(s). The Revenue Collections Administrator will have the authority to enter into meaningful settlement negotiations with the debtor for accounts under \$10,000.

LEGAL ACTION

Legal action may be used only as a last resort to collect on delinquent accounts. It will be up to the Revenue Collections Administrator to determine which accounts warrant such action taking into consideration time and added costs in collecting the delinquent account(s). During the course of the legal process, settlement offers may be made by the debtor in an effort to avoid further

legal expenditures. The Revenue Collections Administrator has the authority to enter into meaningful settlement negotiations with the debtor for accounts under \$10,000.

OBSERVATION OF COLLECTION LAWS

The Revenue Collections Administrator will ensure that all Federal, State and local laws are observed and understood by all whom engage in collection activities on behalf of the City of Muskegon.

BANKRUPTCIES

Bankruptcy notices should always be forwarded to Revenue Collections Administrator, regardless of whether the department receiving the notice of bankruptcy has an outstanding receivable balance due from the debtor or not. Other departments throughout the City may also have business pending with the debtor and must be notified of the bankruptcy status.

Upon receipt, the Revenue Collections Administrator will circulate a notice to various departments which typically deal with receivable accounts and who may be maintaining a collection account with the debtor. Departments wishing to be included in the routing on a regular basis should contact the Revenue Collections Administrator.

If a department receives correspondence from the Revenue Collections Administrator requesting information on outstanding debts involved in a bankruptcy, the department should return to the Revenue Collections Administrator the requested information, with supporting documents, within seven days of receipt. The Revenue Collections Administrator will consolidate information from the City as a whole and prepare and file a claim on a timely basis.

Departments utilizing an outside collection agency should notify the agency that upon receipt of a bankruptcy notice, the agency is required to close and return the account to the City immediately. Under no circumstances is an outside agency, such as a collection agency, to file a bankruptcy claim on behalf of the City.

The Revenue Collections Administrator will review certain accounts that may be forwarded to the City Attorney's Office for consideration due to the complexity of the bankruptcy proceeding.

Upon receipt of a bankruptcy discharge or dismissal, the Revenue Collections Administrator will notify all departments involved.

XXI. PAYROLL DEDUCTIONS

The city is required to make various deductions from employee paychecks for taxes, pension contributions, union dues and other purposes mandated by law, union contracts, or terms of employment. Additionally, the city offers a range of "voluntary" deduction programs deemed to be of general benefit to employees. Examples include deferred compensation retirement savings, ability to purchase additional life insurance through the city's carrier at favorable rates, and U.S. Savings Bonds. From time to time, outside firms (typically offering investment and/or insurance products) approach the City about including their programs on the city's voluntary payroll deduction menu. Although such programs are touted as "employee benefits having no-cost to the city", the fact is that such programs can entail significant costs not only for payroll administration, but also in terms of employee time consumed in marketing or educational efforts. Accordingly, city policy regarding such requests is as follows: 1) all such requests must be submitted in writing to the city manager's office; 2) after preliminary staff review and analyses of the benefits and costs, the request will be forwarded to the labor-management committee for review and recommendation; 3) if the labor-management committee recommends approval of the request, at least twenty full-time employees must sign-up for the program before payroll deduction will be started. Nothing in this policy will prohibit the city from implementing voluntary deduction programs it deems desirable even if they do not meet the criteria specified above.

Adopted March 26, 2002.


Gail A. Kunderinger, City Clerk

Commission Meeting Date: March 26 2002

Date: March 19, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Approval of Contract for Payment in Lieu of Taxes
for Hackley Glen Redevelopment

SUMMARY OF REQUEST: The contract providing for payment in lieu of taxes for the Hackley Glen Redevelopment have been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of the Hackley Limited Dividend Housing Association III, L.L.C. have met with City staff several times over the past two years, as they have developed and refined their proposal. They have also talked with members of the Campbell Field Neighborhood Association. The contract is attached. The City Commission is requested to approve the contract.

FINANCIAL IMPACT: Payments under the contract are recommended to be four percent (4%) of the contract rents for all units, whether occupied or not.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached contract and authorize the Mayor and Clerk to execute the contract on behalf of the City.

COMMITTEE RECOMMENDATION: The City Commission Working Session reviewed this proposal in February and recommended that the developers include market-rate housing. The developers have complied with this request and are recommending that for Phase 1 and Phase 3 (two-story family apartments) 40% of the units be at 60% median-income and 60% of the units be market-rate and Phase 2 (Senior Congregate Apartments) 42% of the units be at 60% of median-income and 60 % of the units be market-rate.

2 40%

**CITY OF MUSKEGON
CONTRACT FOR HOUSING EXEMPTION**

2002-41(c¹)

This agreement between HACKLEY LIMITED DIVIDEND HOUSING ASSOCIATION, L.L.C., a limited liability company, of 950 Taylor Avenue, Grand Haven, MI 49417 (referred to as "Developer") and CITY OF MUSKEGON, 933 Terrace Street, Muskegon, MI ("City") is made pursuant to the following terms:

Recitals:

- A. Developer has acquired the option to purchase a site in the City of Muskegon for the construction of a proposed low income housing project as defined in City Ordinance 2-6(e)(3), (the "Project").
- B. Developer has been formed as a limited dividend housing association limited liability company to function as owner of the Project.
- C. The City encourages construction and financing of the Project which is currently identified by the working name of "Park Terrace".
- D. To further enable and encourage the construction of the Project, Developer and the City enter into this agreement.
- E. The preliminary legal description of the Project is set forth in Exhibit A attached to this agreement.

THEREFORE, the parties agree as follows:

1. Grant of Exemption. As contemplated and pursuant to Act 346 of the Public Acts of 1966, the State Housing Development Act (the "Act"), the City hereby grants an exemption from all property taxes attributable to the portion of the building which consists of rental units offered to low income persons and families as defined by the Michigan State Housing Development Authority (the "Authority").

2. Term of Exemption. This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Service Code of 1986 or the Authority Regulatory Agreement not to exceed 25 years from and after the beginning of the tax day of the year in which a final certificate of compliance or occupancy is issued by the City for the Project as provided for in Section 2-6(g). The City agrees to be contractually bound by this agreement to honor the exemption status of the proposed project as provided therein and in this agreement for the entire period during which the Project is financed by a loan made by the Authority or receives low income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, provided that the said loan continues to be outstanding and not in default as more particularly set forth in Section 2-6 of the Ordinance, not to exceed 25 years.

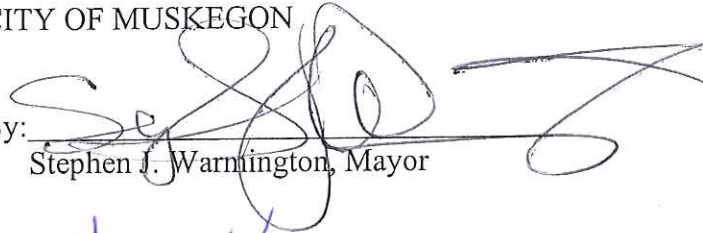
3. Responsibilities of the Developer. The Developer agrees to perform the following:
- 3.1 The Developer shall pay the service charge and payment in lieu of taxes set forth in Section 2-6(f) of the Ordinance in a timely manner (on or before July 1 of each year during the time the exemption is in effect). For said purposes, the Developer recognizes and will abide by all of the collection provisions of the Ordinance, including without limitation, the acceptance of the lien provisions status of the payment in lieu of taxes in the event of default as set forth in 2-6(h), (i), and (j) of the Ordinance. The service charge shall equal four (4%) percent of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not and whether or not the rents are paid.
- 3.2 The Developer agrees to file all information required by the Ordinance and further to meet its obligations to the Authority in connection with the Authority's administration of the low income housing tax credit program.
4. Term. This agreement shall continue in effect for the entire period of eligibility for the exemption as set forth in the Ordinance. The City considers itself bound by this agreement for the entire term hereof.
5. Interpretation of Financing. The City agrees that the financing of the Project by the use of tax credits constitutes financing of the loan by the Authority in fulfillment of the requirements of Section 2-6(e)(3) of the Ordinance.
6. Third Party Beneficiary. This agreement shall benefit the Developer and the Authority, or such other mortgagee as may have financed the Project which may enforce this agreement, both as its interest may appear, and on behalf of the Developer and its successors and assigns. No other party is a beneficiary under this agreement.
7. Counterparts. This agreement may be executed in several counterparts and an executed copy hereof may be relied upon as an original.
8. Binding and Benefit. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.
9. Effective Date. The effective date of this agreement is 3-26-02.

[signatures on following page]

IN WITNESS WHEREOF, the parties have signed this agreement on the dates indicated below.

CITY OF MUSKEGON

Dated: 4-2-02

By: 
Stephen J. Warmington, Mayor

Dated: 4-1-02

By: 
Gail Kunderger, Clerk

HACKLEY LIMITED DIVIDEND
HOUSING ASSOCIATION, L.L.C.

By: R W Properties I L.L.C., a Member

Dated: 3/19/2002

By: 
Shirley A. Woodruff, Member

By: Ruddiman Associates Limited
Partnership, a Member

By: Glenview Associates,
Inc., its General Partner

Dated: 3/19/2002

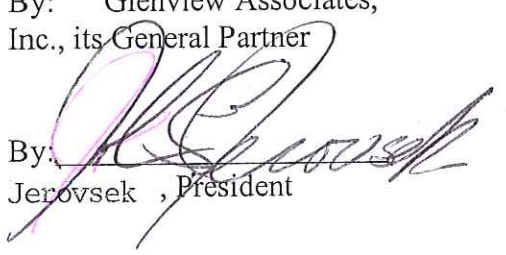
By: 
John Jerovsek, President

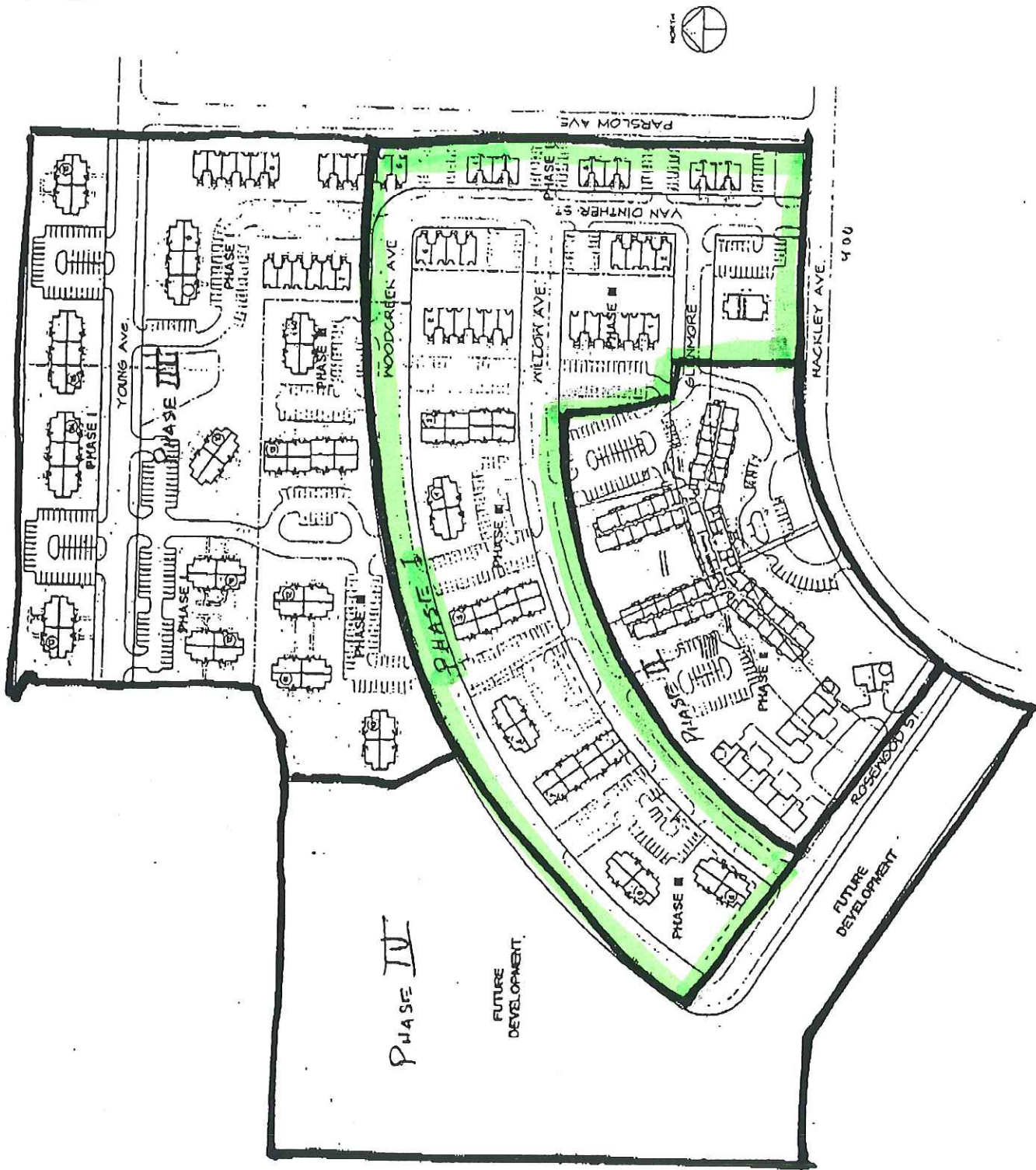
EXHIBIT A

Park Terrace (Phase I)

Preliminary Legal Description

Approximately 13.5 acres made up of the area bounded by Parslow Avenue to the east, Willow Avenue to the south, Woodcreek Avenue to the north and Rosewood Street to the west. Plus the area bounded by Parslow Avenue to the east, Hackley Avenue to the south, Willow Avenue to the north and a line between Willow Avenue and Hackley Avenue that lies approximately 400 feet west of Parslow Avenue.

(See attached drawing for Phase I area)



**CITY OF MUSKEGON
CONTRACT FOR HOUSING EXEMPTION**

2002-41(c²)

This agreement between HACKLEY LIMITED DIVIDEND HOUSING ASSOCIATION II, L.L.C., a limited liability company, of 950 Taylor Avenue, Grand Haven, MI 49417 (referred to as "Developer") and CITY OF MUSKEGON, 933 Terrace Street, Muskegon, MI ("City") is made pursuant to the following terms:

Recitals:

- A. Developer has acquired the option to purchase a site in the City of Muskegon for the construction of a proposed low income housing project as defined in City Ordinance 2-6(e)(3), (the "Project").
- B. Developer has been formed as a limited dividend housing association limited liability company to function as owner of the Project.
- C. The City encourages construction and financing of the Project which is currently identified by the working name of "Village at Park Terrace".
- D. To further enable and encourage the construction of the Project, Developer and the City enter into this agreement.
- E. The preliminary legal description of the Project is set forth in Exhibit A attached to this agreement.

THEREFORE, the parties agree as follows:

1. Grant of Exemption. As contemplated and pursuant to Act 346 of the Public Acts of 1966, the State Housing Development Act (the "Act"), the City hereby grants an exemption from all property taxes attributable to the portion of the building which consists of rental units offered to low income elderly persons as defined by the Michigan State Housing Development Authority (the "Authority").

2. Term of Exemption. This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Service Code of 1986 or the Authority Regulatory Agreement not to exceed 25 years from and after the beginning of the tax day of the year in which a final certificate of compliance or occupancy is issued by the City for the Project as provided for in Section 2-6(g). The City agrees to be contractually bound by this agreement to honor the exemption status of the proposed project as provided therein and in this agreement for the entire period during which the Project is financed by a loan made by the Authority or receives low income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, provided that the said loan continues to be outstanding and not in default as more particularly set forth in Section 2-6 of the Ordinance, not to exceed 25 years.

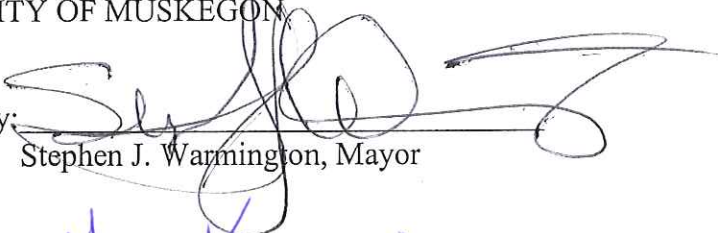
3. Responsibilities of the Developer. The Developer agrees to perform the following:
- 3.1 The Developer shall pay the service charge and payment in lieu of taxes set forth in Section 2-6(f) of the Ordinance in a timely manner (on or before July 1 of each year during the time the exemption is in effect). For said purposes, the Developer recognizes and will abide by all of the collection provisions of the Ordinance, including without limitation, the acceptance of the lien provisions status of the payment in lieu of taxes in the event of default as set forth in 2-6(h), (i), and (j) of the Ordinance. The service charge shall equal four (4%) percent of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not and whether or not the rents are paid.
- 3.2 The Developer agrees to file all information required by the Ordinance and further to meet its obligations to the Authority in connection with the Authority's administration of the low income housing tax credit program.
4. Term. This agreement shall continue in effect for the entire period of eligibility for the exemption as set forth in the Ordinance. The City considers itself bound by this agreement for the entire term hereof.
5. Interpretation of Financing. The City agrees that the financing of the Project by the use of tax credits constitutes financing of the loan by the Authority in fulfillment of the requirements of Section 2-6(e)(3) of the Ordinance.
6. Third Party Beneficiary. This agreement shall benefit the Developer and the Authority, or such other mortgagee as may have financed the Project which may enforce this agreement, both as its interest may appear, and on behalf of the Developer and its successors and assigns. No other party is a beneficiary under this agreement.
7. Counterparts. This agreement may be executed in several counterparts and an executed copy hereof may be relied upon as an original.
8. Binding and Benefit. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.
9. Effective Date. The effective date of this agreement is 3-26-02.

[signatures on following page]

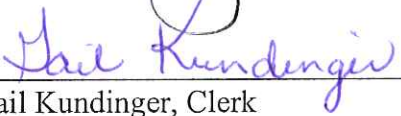
IN WITNESS WHEREOF, the parties have signed this agreement on the dates indicated below.

CITY OF MUSKEGON

Dated: 4-1-02

By: 
Stephen J. Warmington, Mayor

Dated: 4-1-02

By: 
Gail Kundinger, Clerk

HACKLEY LIMITED DIVIDEND
HOUSING ASSOCIATION, L.L.C.

By: R W Properties I L.L.C., a Member

Dated: 3/19/2002

By: 
Shirley A. Woodruff, Member

By: Ruddiman Associates Limited
Partnership, a Member

By: Glenview Associates,
Inc., its General Partner

Dated: 3/19/2002

By: 
John Jerovsek, President

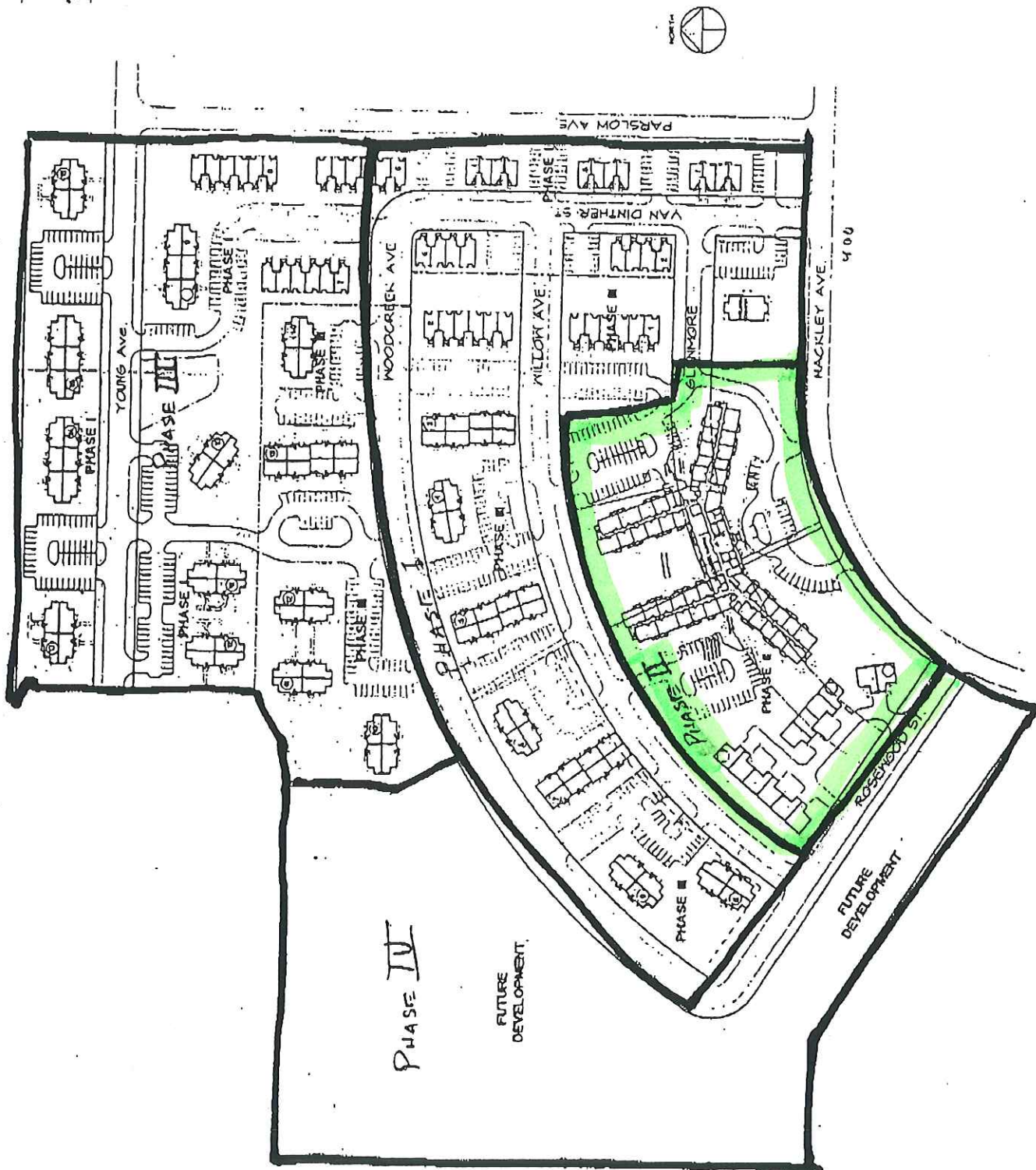
EXHIBIT A

Village at Park Terrace (Phase II)

Preliminary Legal Description

Approximately 6.5 acres made up of the area bounded by Hackley Avenue to the south, Rosewood Street to the west, Willow Avenue to the north and a line between Willow Avenue and Hackley Avenue that lies approximately 400 feet west of Parslow Avenue.

(See attached drawing for Phase II area)



**CITY OF MUSKEGON
CONTRACT FOR HOUSING EXEMPTION**

2002-41(c³)

This agreement between HACKLEY LIMITED DIVIDEND HOUSING ASSOCIATION III, L.L.C., a limited liability company, of 950 Taylor Avenue, Grand Haven, MI 49417 (referred to as "Developer") and CITY OF MUSKEGON, 933 Terrace Street, Muskegon, MI ("City") is made pursuant to the following terms:

Recitals:

- A. Developer has acquired the option to purchase a site in the City of Muskegon for the construction of a proposed low income housing project as defined in City Ordinance 2-6(e)(3), (the "Project").
- B. Developer has been formed as a limited dividend housing association limited liability company to function as owner of the Project.
- C. The City encourages construction and financing of the Project which is currently identified by the working name of "Park Terrace II".
- D. To further enable and encourage the construction of the Project, Developer and the City enter into this agreement.
- E. The preliminary legal description of the Project is set forth in Exhibit A attached to this agreement.

THEREFORE, the parties agree as follows:

1. Grant of Exemption. As contemplated and pursuant to Act 346 of the Public Acts of 1966, the State Housing Development Act (the "Act"), the City hereby grants an exemption from all property taxes attributable to the portion of the building which consists of rental units offered to low income persons and families as defined by the Michigan State Housing Development Authority (the "Authority").

2. Term of Exemption. This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Service Code of 1986 or the Authority Regulatory Agreement not to exceed 25 years from and after the beginning of the tax day of the year in which a final certificate of compliance or occupancy is issued by the City for the Project as provided for in Section 2-6(g). The City agrees to be contractually bound by this agreement to honor the exemption status of the proposed project as provided therein and in this agreement for the entire period during which the Project is financed by a loan made by the Authority or receives low income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, provided that the said loan continues to be outstanding and not in default as more particularly set forth in Section 2-6 of the Ordinance, not to exceed 25 years.

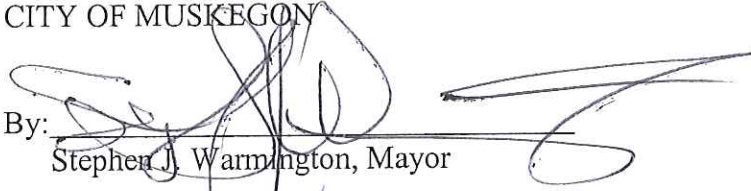
3. Responsibilities of the Developer. The Developer agrees to perform the following:
- 3.1 The Developer shall pay the service charge and payment in lieu of taxes set forth in Section 2-6(f) of the Ordinance in a timely manner (on or before July 1 of each year during the time the exemption is in effect). For said purposes, the Developer recognizes and will abide by all of the collection provisions of the Ordinance, including without limitation, the acceptance of the lien provisions status of the payment in lieu of taxes in the event of default as set forth in 2-6(h), (i), and (j) of the Ordinance. The service charge shall equal four (4%) percent of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not and whether or not the rents are paid.
- 3.2 The Developer agrees to file all information required by the Ordinance and further to meet its obligations to the Authority in connection with the Authority's administration of the low income housing tax credit program.
4. Term. This agreement shall continue in effect for the entire period of eligibility for the exemption as set forth in the Ordinance. The City considers itself bound by this agreement for the entire term hereof.
5. Interpretation of Financing. The City agrees that the financing of the Project by the use of tax credits constitutes financing of the loan by the Authority in fulfillment of the requirements of Section 2-6(e)(3) of the Ordinance.
6. Third Party Beneficiary. This agreement shall benefit the Developer and the Authority, or such other mortgagee as may have financed the Project which may enforce this agreement, both as its interest may appear, and on behalf of the Developer and its successors and assigns. No other party is a beneficiary under this agreement.
7. Counterparts. This agreement may be executed in several counterparts and an executed copy hereof may be relied upon as an original.
8. Binding and Benefit. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.
9. Effective Date. The effective date of this agreement is 3-26-02.

[signatures on following page]

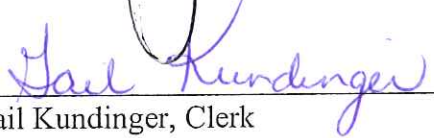
IN WITNESS WHEREOF, the parties have signed this agreement on the dates indicated below.

CITY OF MUSKEGON

Dated: 4-1-02

By: 
Stephen J. Warmington, Mayor

Dated: 4-1-02

By: 
Gail Kunderger, Clerk

HACKLEY LIMITED DIVIDEND
HOUSING ASSOCIATION, L.L.C.

By: R W Properties I L.L.C., a Member

Dated: 3/19/2002

By: 
Shirley A. Woodruff, Member

By: Ruddiman Associates Limited
Partnership, a Member

By: Glenview Associates,
Inc., its General Partner

Dated: 3/19/2002

By: 
John Jerovsek, President

EXHIBIT A

Park Terrace II (Phase III)

Preliminary Legal Description

Approximately 12.5 acres made up of the area bounded by Parslow Avenue on the east, Woodcreek Avenue on the south, the north property line to the north and a line between Woodcreek Avenue and the north property line approximately 1050 feet west of Parslow Avenue.

(See attached drawing for Phase III area.)

Park Terrace Apartments - Phase 1
150 Family Apartments

Income Limited Rents	Unit Size	Number of Units	Rents	Monthly Rent	Annual Rent	Payment in Lieu of Taxes @ 4%
	One Bedroom	10	\$600	\$6,000	\$60,000	\$2,400.00
	Two Bedroom	26	\$675	\$14,950	\$179,400	\$7,176.00
	Three Bedroom	24	\$675	\$16,200	\$194,400	\$7,776.00
		60				\$17,352.00

Market Rate Rents	Unit Size	Number of Units	Rents	Monthly Rent	Annual Rent	Payment in Lieu of Taxes @ 4%
	One Bedroom	15	\$675	\$8,625	\$103,500	\$4,140.00
	Two Bedroom	39	\$675	\$28,325	\$315,800	\$12,636.00
	Three Bedroom	36	\$775	\$27,900	\$334,800	\$13,392.00
		90				\$30,168.00

Total Payment in Lieu of Taxes Phase 1

\$47,520.00

Park Terrace Apartments - Phase 2
120 Senior Congregate Apartments

Income Limited Rents	Unit Size	Number of Units	Rents	Monthly Rent	Annual Rent	Payment in Lieu of Taxes @ 4%
	One Bedroom	31	\$663	\$16,135	\$217,620	\$8,704.80
	Two Bedroom	20	\$705	\$14,100	\$169,200	\$6,768.00
		51				\$15,472.80

Market Rate Rents	Unit Size	Number of Units	Rents	Monthly Rent	Annual Rent	Payment in Lieu of Taxes @ 4%
	One Bedroom	41	\$675	\$27,875	\$332,100	\$13,284.00
	Two Bedroom	28	\$795	\$22,260	\$267,120	\$10,684.80
		69				\$23,968.80

Total Payment in Lieu of Taxes Phase 2

\$38,441.60

Park Terrace Apartments - Phase 3
160 Family Apartments

Income Limited Rents	Unit Size	Number of Units	Rents	Monthly Rent	Annual Rent	Payment in Lieu of Taxes @ 4%
	One Bedroom	10	\$600	\$6,000	\$60,000	\$2,400.00
	Two Bedroom	26	\$675	\$14,950	\$179,400	\$7,176.00
	Three Bedroom	24	\$675	\$16,200	\$194,400	\$7,776.00
		60				\$17,352.00

Market Rate Rents	Unit Size	Number of Units	Rents	Monthly Rent	Annual Rent	Payment in Lieu of Taxes @ 4%
	One Bedroom	15	\$675	\$8,625	\$103,500	\$4,140.00
	Two Bedroom	39	\$675	\$28,325	\$315,800	\$12,636.00
	Three Bedroom	36	\$775	\$27,900	\$334,800	\$13,392.00
		90				\$30,168.00

Total Payment in Lieu of Taxes Phase 3

\$47,620.00

Total Estimated Payment in Lieu of Taxes Completed Project

\$134,481.60

Note: There will also be additional tax revenue from the site condominiums we have planned for Phase 4 of the project.

The most recent annual property taxes for Hackley Glen Apartments were:

\$ 84,287.88

City of Muskegon

Pilot Housing Listing Detail from 1997 through 2001

Proposed Pilot(s)	Payment Due Date	Pilot Rate	1997		1998		1999		2000		2001	
			In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue	In Lieu of Tax Payment	City Revenue
Hackley Glen Redevelopment	July 1	4%	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)	N/A (3)
Existing Pilots												
Bardlay Sr Village	April 1	10%	12,812.31	1,834.50	13,810.99	1,977.70	13,902.01	1,991.90	13,852.01	1,985.80		
Bay View Towers	April 1	10%	34,535.00	4,944.70	36,477.00	5,223.50	35,235.00	5,048.50	35,782.60	5,129.80		
Hartford Terrace	April 1	10%	19,810.00	2,836.40	21,418.32	3,067.10	20,738.85	2,971.50	14,273.00	2,046.20		
Royal Glen Townhouses	July 1	4%	14,122.28	2,022.00	14,569.92	2,086.40	15,211.44	2,179.50	15,626.88	2,240.30		
Trinity Village - Phase I	July 1	4%	3,872.00	554.40	4,232.00	606.00	3,665.00	525.10	4,196.00	601.50		
Trinity Village - Phase II	July 1	4%	4,197.00	600.90	4,197.00	601.00	4,225.00	605.40	4,314.00	618.50		
Trinity Village (Cogic Village)	July 1	4%	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)		
Nelson Place	July 1	4%	N/A (2)	N/A (2)	17,566.48	2,515.50	21,509.84	3,081.90	22,294.48	3,196.10		
Trinity Manor	July 1	4%	5,056.00	723.90	5,056.00	724.00	5,056.00	724.40	5,564.00	797.70		
Total			<u>94,404.59</u>	<u>13,516.80</u>	<u>117,327.71</u>	<u>16,801.20</u>	<u>119,543.14</u>	<u>17,128.20</u>	<u>115,902.97</u>	<u>16,615.90</u>		

N/A (1) The first year for Trinity Village (COGIC Village) payment in lieu of tax revenue will be 2002.

N/A (2) The first year for Nelson Place payment in lieu of tax revenue was 1999.

N/A (3) The proposed PILOT agreement for Hackley Glen is on the City Commission agenda for the March 26, 2002 meeting.

Note 1: The Trinity Manor contract for housing exemption agreement for cancellation was effective for tax levy years after 2000.

Commission Meeting Date: March 26, 2002

Date: March 19, 2002

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBL

RE: Acquisition of Downtown Parking

SUMMARY OF REQUEST: As the Muskegon Mall parking lots have been closed off to the public, a need for additional parking in the downtown has been created. In an effort to meet this need, it has become necessary for the City to lease, through the powers of eminent domain, certain parking areas within the Muskegon Mall perimeter, located adjacent to Third Street (see attached map with Resolution). The City made an offer to the property owner, to lease the said parking lots, but the offer was refused. Therefore, it is necessary to proceed with eminent domain.

FINANCIAL IMPACT: The property will be leased for a period of one year, at a cost of \$35,970. The City will be responsible for costs of maintenance, cleaning, insurance and current pro rata taxes, if any, on the premises leased.

BUDGET ACTION REQUIRED: To amend the General Fund budget to allow for Contingency Funds to be used for the acquisition.

STAFF RECOMMENDATION: To approve the attached Resolution and Declaration of Taking and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: At the March 12 City Commission meeting, it was recommended to proceed with the acquisition.

CERTIFICATION

Attached is a true copy of the Resolution, Declaration of Taking, and Lease that was adopted at a regular meeting of the City Commission, held on March 26, 2002. 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
933 Terrace, Muskegon, MI 49440

By


Gail A. Kunding, City Clerk

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2002-41(d)

A resolution determining the necessity to acquire a leasehold interest in land for public purposes by eminent domain.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon must presently acquire certain interests in land in the Downtown area for public parking, which has been reduced by the closure of the Muskegon Mall and the refusal of the owner of the Muskegon Mall to enter into a lease for the use of its property located in areas where public parking is needed to provide access to businesses and entertainment facilities located Downtown and to alleviate traffic problems caused by the absence of said parking.
2. It appears that it is necessary to begin eminent domain proceedings because of the status and results of negotiations that have been carried on by the City.
3. There is considerable evidence that the affording of public parking will constitute the fulfillment of a public need for access and public exposure for all the business and entertainment establishments in the immediate vicinity of the said parcels.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. The City Commission hereby declares and determines that it is in the public interest and constitutes a public purpose to acquire a leasehold interest in the property set forth in Schedule A attached to this resolution for the purpose of public parking.
2. The City Commission further declares and determines that it is necessary to acquire the leasehold interest, which is necessary for the use and benefit of the public.
3. It is further declared and determined that it is necessary to acquire and take the leasehold interest in real property, fully described in Exhibit A, without the consent of the owners thereof, for the purpose of affording public parking. The said described leasehold parcel is necessary for the use and benefit of the public and a good faith written offer to lease the said parcel has been made. The offer has not been accepted, and the City Attorney is directed to institute condemnation proceedings against the owners and any other parties in interest in the said described parcel, which has been deemed necessary for the affording of public parking.

Interested Parties

Muskegon Properties Company, Inc., Owner

LaSalle Bank, N.A., Trustee for the registered
holders of Asset Securitization Corporation
Mortgage Pass-through Certificates Series
1996-D2, Mortgagee

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the
Declaration of Taking in the form attached to this resolution.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

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

CERTIFICATE

This Resolution was adopted at a meeting of the City Commission, held on
March 26, 2002. The meeting was properly held and noticed pursuant to the
Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

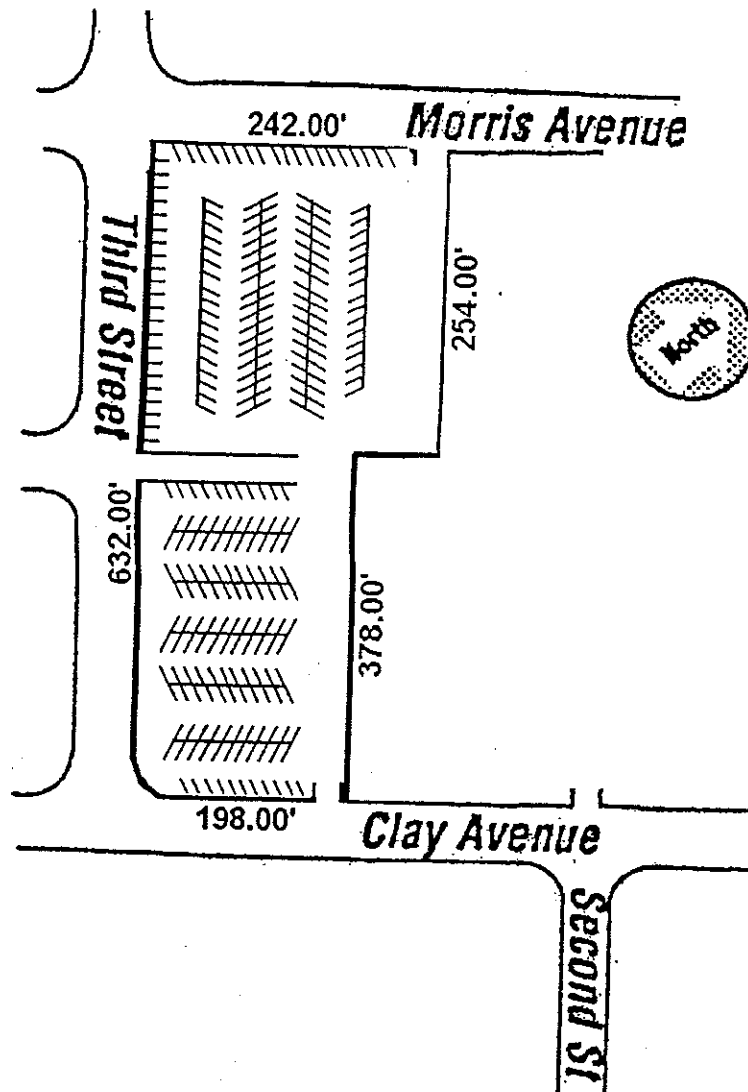
CITY OF MUSKEGON

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

SCHEDULE A
Legal Description and Plot Plan

Land located between and surrounded by Clay Street, Third Street and Morris Street in the City of Muskegon, together with access driveways from all three streets as they presently exist, being the entire westerly parking lots (westerly of the buildings) of the Muskegon Mall, as depicted on the following plot plan:

Plot Plan



City of Muskegon
Muskegon County, Michigan

DECLARATION OF TAKING

2002-41(d)

A resolution of necessity has been adopted by the City Commission of the City of Muskegon setting forth that the providing of public parking in downtown Muskegon is necessary. As a result, it is necessary to acquire a leasehold interest in certain property for that purpose, and a good faith written offer to lease said parcels of property has heretofore been made.

Now, therefore, by virtue of the authority vested in the City of Muskegon by law and constitution, and pursuant to 1980 PA 87, MCLA 213.51, MSA 8.265(1), it is now declared that by the filing of the Complaint and this Declaration of Taking in the Circuit Court for the County of Muskegon, a leasehold interest in the property hereinafter described is taken in the name of the City of Muskegon for the purpose of providing public parking. The City waives any right to seek Federal or State cost recovery actions against the present owner of the property.

The legal description of the property taken sufficient for its identification, the names of the persons interested in said property so far as known, a statement of the estate or interest being taken, the form of lease to be utilized, and statement of the sum of money estimated by complainant to be just compensation for the part to be taken is as follows:

Legal Description

The legal and plot description is attached as Exhibit A

Owners and Interested Parties:

Muskegon Properties Company, Inc., Owner

LaSalle Bank, N.A., Trustee for the registered
holders of Asset Securitization Corporation
Mortgage Pass-through Certificates Series
1996-D2, Mortgagee

The form of lease is attached as Exhibit B.

Estimated just compensation: \$35,970.00 for one year's rent, pursuant to a one year lease to provide for tenant responsibility for costs of maintenance, cleaning, insurance and current pro rata taxes if any, on the premises leased.

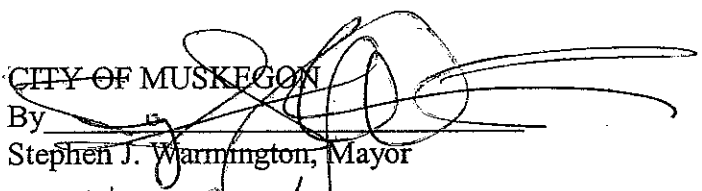
Lease to provide for one renewal year, rent to be measured by any increase in the consumer's price index, as determined for real property taxable values by the State of Michigan.

Estate to be acquired: A leasehold interest for a one-year term and one renewal term.

Dated: March 26, 2002

CITY OF MUSKEGON

By


Stephen J. Warrington, Mayor

And

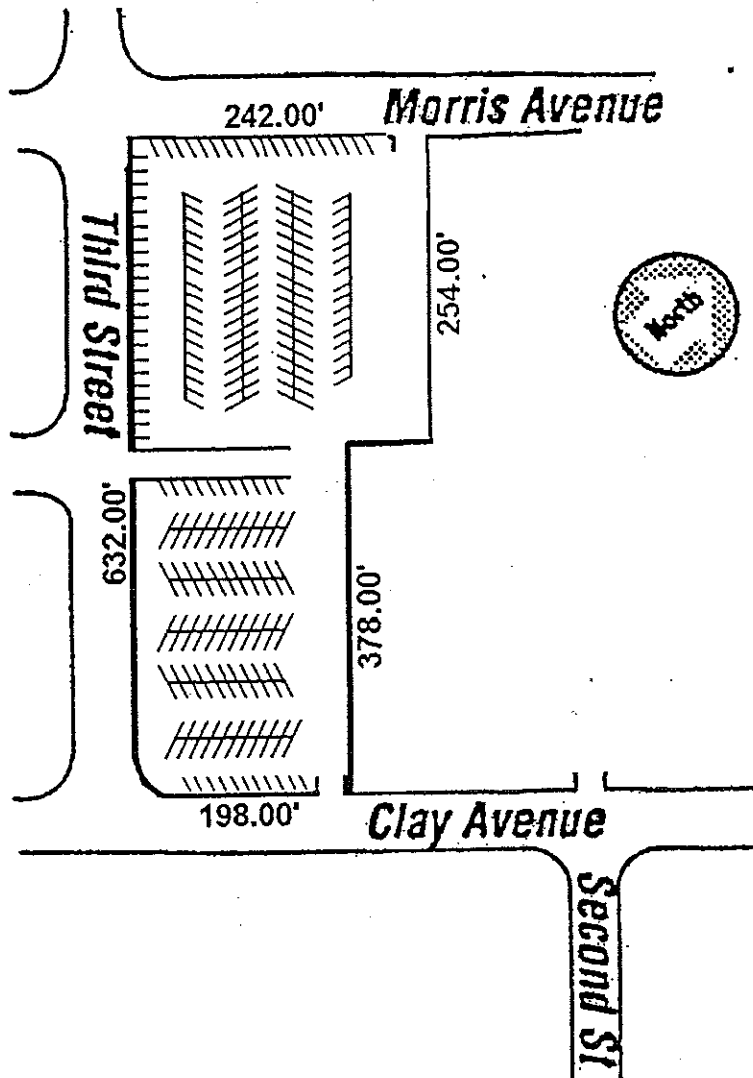

Gail A. Kunding, City Clerk

Exhibit A

Legal Description and Plot Plan

Land located between and surrounded by Clay Street, Third Street and Morris Street in the City of Muskegon, together with access driveways from all three streets as they presently exist, being the entire westerly parking lots (westerly of the buildings) of the Muskegon Mall, as depicted on the following plot plan:

Plot Plan



LEASE

THIS LEASE is made and entered into this _____ day of _____, 2002 between _____, located at _____ ("Landlord") and the CITY OF MUSKEGON, of 933 Terrace Street, Muskegon, MI 49440 ("Tenant").

WITNESSETH

Landlord, in consideration of the covenants and agreements hereinafter set forth to be kept and performed by both parties, does hereby lease to Tenant, for the term stipulated, the premises more fully described in Exhibit A ("Premises"), attached hereto and made a part hereof, located at that part of Muskegon Mall located between and bounded by Clay Avenue, Third Street and Morris Avenue, including all existing driveways and entrances.

Landlord hereby leases the Premises to Tenant and hereby grants to Tenant, its guests, invitees and licenses all non-exclusive rights and privileges appurtenant thereto, including the means of ingress and egress.

1. **TERM AND USE**

- A. This lease shall begin on _____, 2002, and shall end on _____, 2003, a term of one year (the "Term") unless sooner terminated pursuant to the provisions of this Lease.
- B. Provided Tenant is not in default of any material term contained in this Lease, Tenant shall have the option of renewing this Lease for one (1) additional one-year period. Notice of the exercise of option to renew the lease for an additional one (1) year term shall be given by Tenant to landlord in writing not later than two (2) months prior to the expiration of the current Term.
- C. The premises shall be used and occupied only for the purpose of public parking.

2. **RENTAL**

Tenant hereby covenants and agrees to pay to Landlord for the use and occupancy of the Premises, the annual fixed sum of Thirty-five thousand, nine hundred and seventy dollars (\$35,970) payable in [twelve equal amounts of \$2997.50 per month][four quarterly installments of \$8992.50] during the Term and any subsequent Term, payable on the first day of each month thereof. No other payments shall be due from Tenant except those expenses set forth in this agreement which are to be paid by tenant; said required payments and expenses shall be considered additional rent.

3. **REPAIRS AND MAINTENANCE**

Tenant covenants and agrees, at its expense without reimbursement or contribution from Landlord, to keep, maintain, clean and repair the Premises.

4. **INSURANCE**

Tenant covenants and agrees to carry general liability insurance on the Premises in the form of adding the Premises to its Risk Authority contract and naming Landlord as an additional covered person or entity providing coverage in reasonable amounts. Tenant covenants and agrees to carry property insurance for physical loss or damage to any of Tenant's property located on the Premises.

5. **DEFAULTS**

- A. Either of the parties hereto may terminate this Lease upon thirty (30) days written notice to the other party for failure to perform any provision of this Lease and failure to remedy such performance (if capable of remedy) within the thirty (30) day period.
- B. In the event of the termination of this Lease due to a default by Tenant which is not remedied during the cure period set forth in Paragraph 5A, above, Tenant shall have the right to enter the Premises and remove all of the Tenant's property from the Premises, after appropriate court procedures.

Exhibit B

6. **TAXES**

Tenant shall pay any current real estate taxes applicable to the Premises, pro-rated from the first day of this lease in accordance with MCL 211.2, as allocated to the premises (which are part of a larger parcel) by the City Assessor.

7. **QUIET ENJOYMENT**

Landlord covenants that, upon Tenant's paying the rent and performing all of the terms, covenants and conditions Tenant is to perform hereunder, Tenant shall peaceably and quietly enjoy the Premises free of claims of paramount title or of any person claiming under or through Landlord, and free and clear of all exceptions, reservations or encumbrances other than those set forth in this Lease, and those Tenant subsequently approves in writing.

8. **NOTICES**

Notices pursuant to this Lease shall be in writing and shall be sent to the party at the address set forth in the initial paragraph of this Lease, by certified mail, return receipt requested, or overnight courier service, and shall be deemed to have been given on the date sent. Either party may change their address by written notice to the other party.

9. **SUCCESSORS AND ASSIGNS**

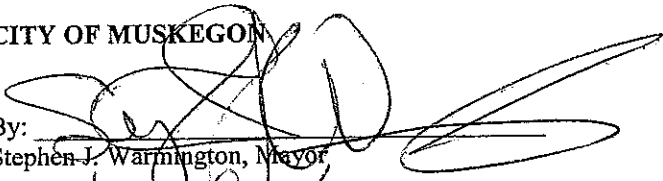
This Lease shall be binding upon and shall inure to the benefit of each party's successors and assigns.

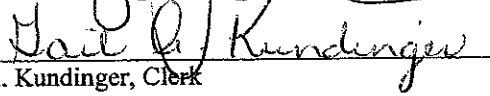
10. **GOVERNING THE LAW**

This Lease shall be governed by the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by their authorized representatives on this day and year first above mentioned.

CITY OF MUSKEGON

By: 
Stephen J. Warmington, Mayor

BY: 
Gail A. Kunder, Clerk

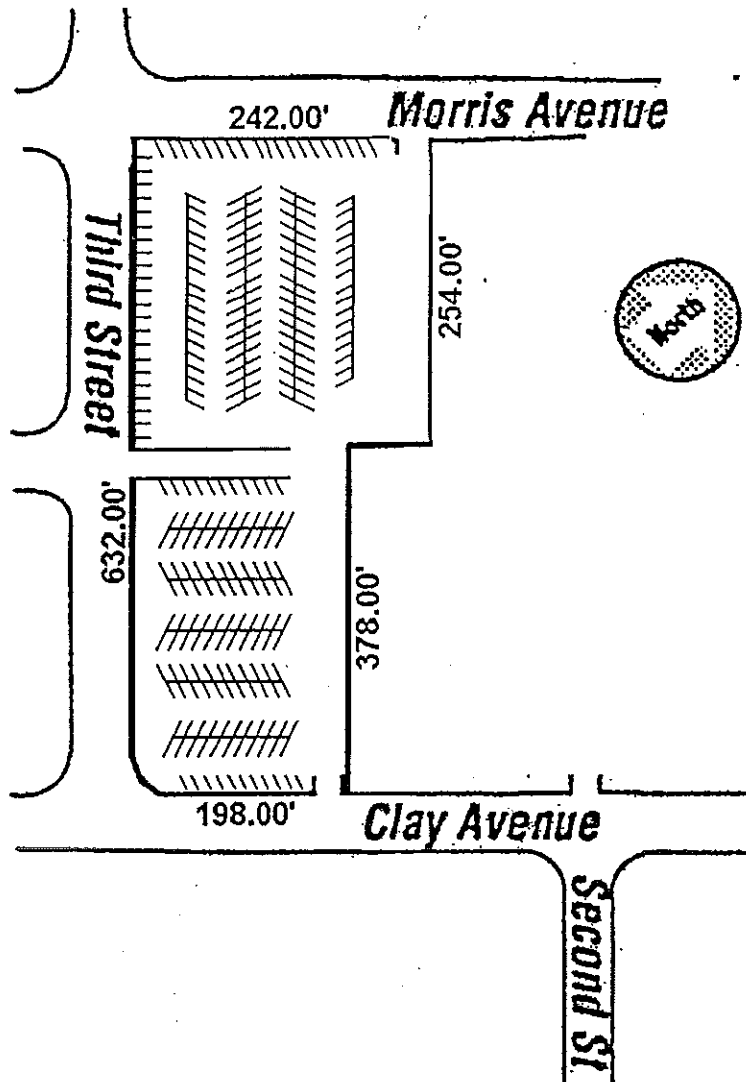
Landlord:

By: _____

EXHIBIT A
Description Of The Premises

Land located between and surrounded by Clay Street, Third Street and Morris Street in the City of Muskegon, together with access driveways from all three streets as they presently exist, being the entire westerly parking lots (westerly of the buildings) of the Muskegon Mall, as depicted on the following plot plan:

Plot Plan



Commission Meeting Date: March 26, 2002

Date: March 19, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Vacation of a portion of Terrace St.

SUMMARY OF REQUEST:

Request for vacation of the northbound lanes of Terrace St., between Shoreline Dr. and Morris Ave.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of Terrace St., with the condition that all City easement rights be retained, and that the City Engineer's conditions be met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended the vacation, with the conditions as listed above. The vote was unanimous with S. Warmington and M. Kleaveland absent.

** add to Resolution*

—

CITY OF MUSKEGON

RESOLUTION #2002-41(e)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate the northbound lanes of Terrace St., between Shoreline Dr. and Morris Ave.; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2002 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the March 26, 2002 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the northbound lanes of Terrace St., between Shoreline Dr. and Morris Ave., as described in the attached legal description;

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

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

BE IT FURTHER RESOLVED that a traffic plan that is acceptable to the Engineering Department will be provided and that the developer agrees to the City reclaiming any parts of the vacated section deemed necessary by the City to accomplish the construction of Shoreline Dr. East with no conditions attached. Furthermore the reclaim of said section(s) can be either temporary or permanent.

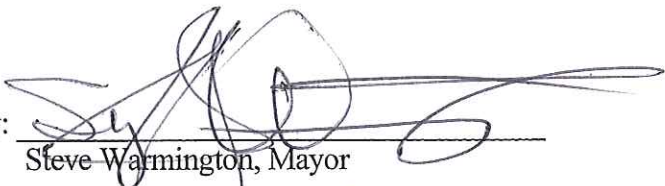
Adopted this 26th day of March, 2002.

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

Nays: None

Absent: None

By:

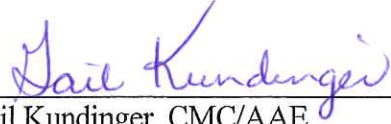

Steve Warmington, Mayor

Attest:


Gail A. Kunderger, Clerk

CERTIFICATE (Vacation of northbound lanes of Terrace St.)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on March 26, 2002.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

B
(VACATED PORTION OF TERRACE)

ALSO TOGETHER WITH THE FOLLOWING VACATED PORTION OF TERRACE STREET LYING ADJACENT TO PART OF BLOCKS 558 AND 557 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, AS DESCRIBED IN LIBER 3 OF PLATS OF PAGE 71, MUSKEGON COUNTY, MICHIGAN, AND PART OF VACATED WATER STREET DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH MOST CORNER OF BLOCK 556 FOR THE POINT OF BEGINNING;

THENCE NORTH 61 DEGREES 13 MINUTES 00 SECONDS WEST (DEED=N62°44'00"W), ALONG THE NORHEASTERLY LINE OF TERRACE STREET, AS EXTENDED, A DISTANCE OF 730.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 69 DEGREES 51 MINUTES 52 SECONDS WEST ALONG THE NORTHERLY LINE OF MORRIS STREET CONNECTOR, A DISTANCE OF 19.43 FEET;

THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT, BEING THE NORTHERLY RIGHT-OF-WAY OF MORRIS STREET CONNECTOR, AN ARC DISTANCE OF 60.98 FEET (SAID CURVE DATA BEING: DELTA=12°57'22", R=269.66', L.C.B.=S63°23'11"W, L.C.=60.85');

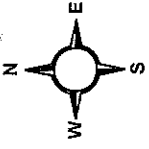
THENCE NORTH 61 DEGREES 12 MINUTES 04 SECONDS WEST, A DISTANCE OF 384.34 FEET;

THENCE NORTH 28 DEGREES 47 DEGREES 56 SECONDS EAST, A DISTANCE OF 64.63 FEET;

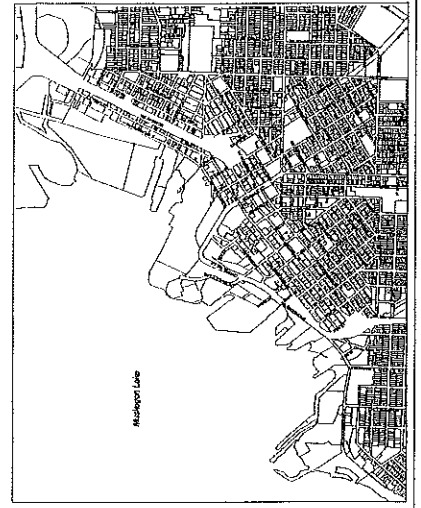
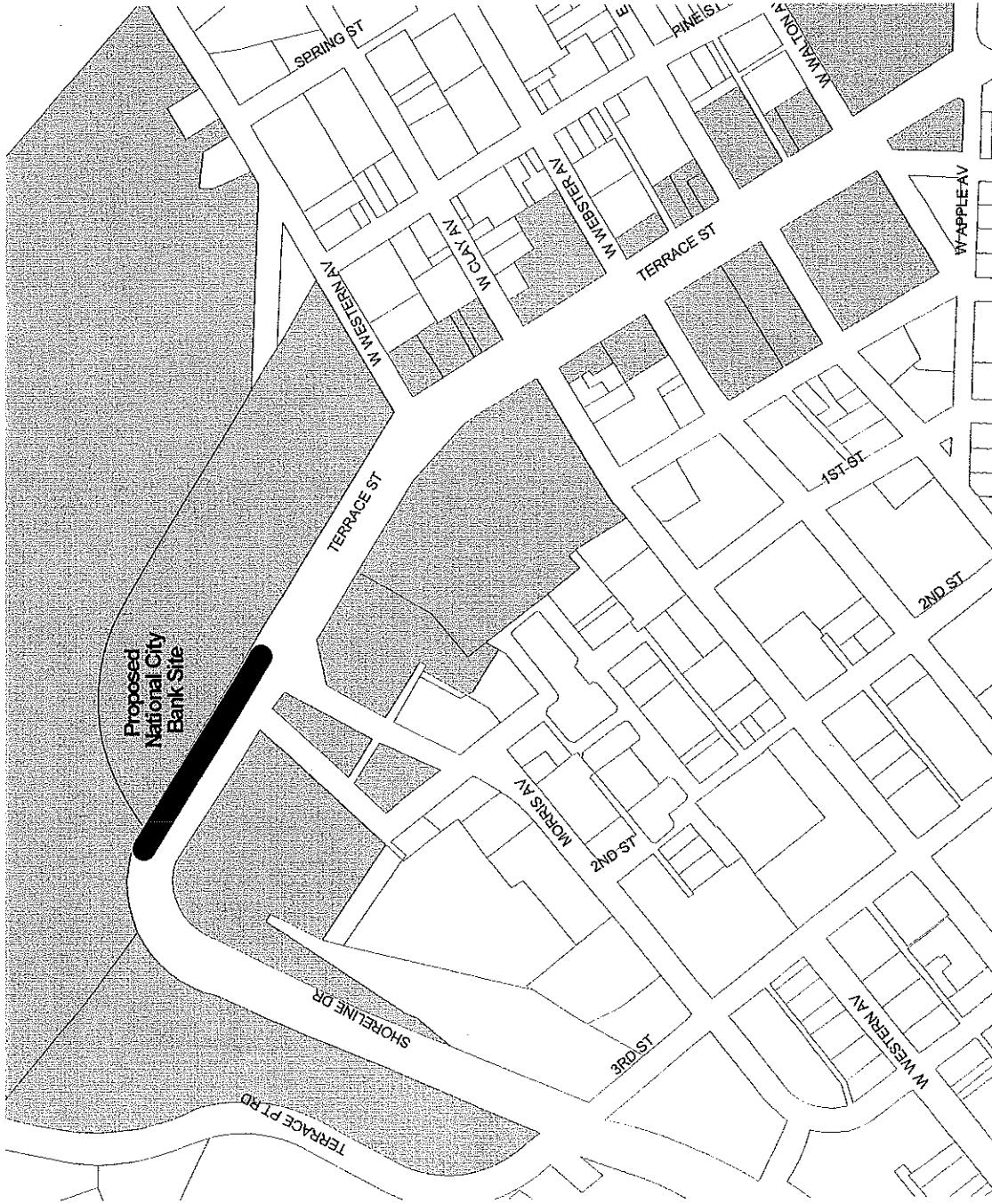
THENCE SOUTH 61 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF TERRACE STREET AS EXTENDED, A DISTANCE OF 431.64 FEET TO THE POINT OF BEGINNING.

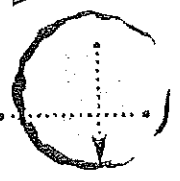
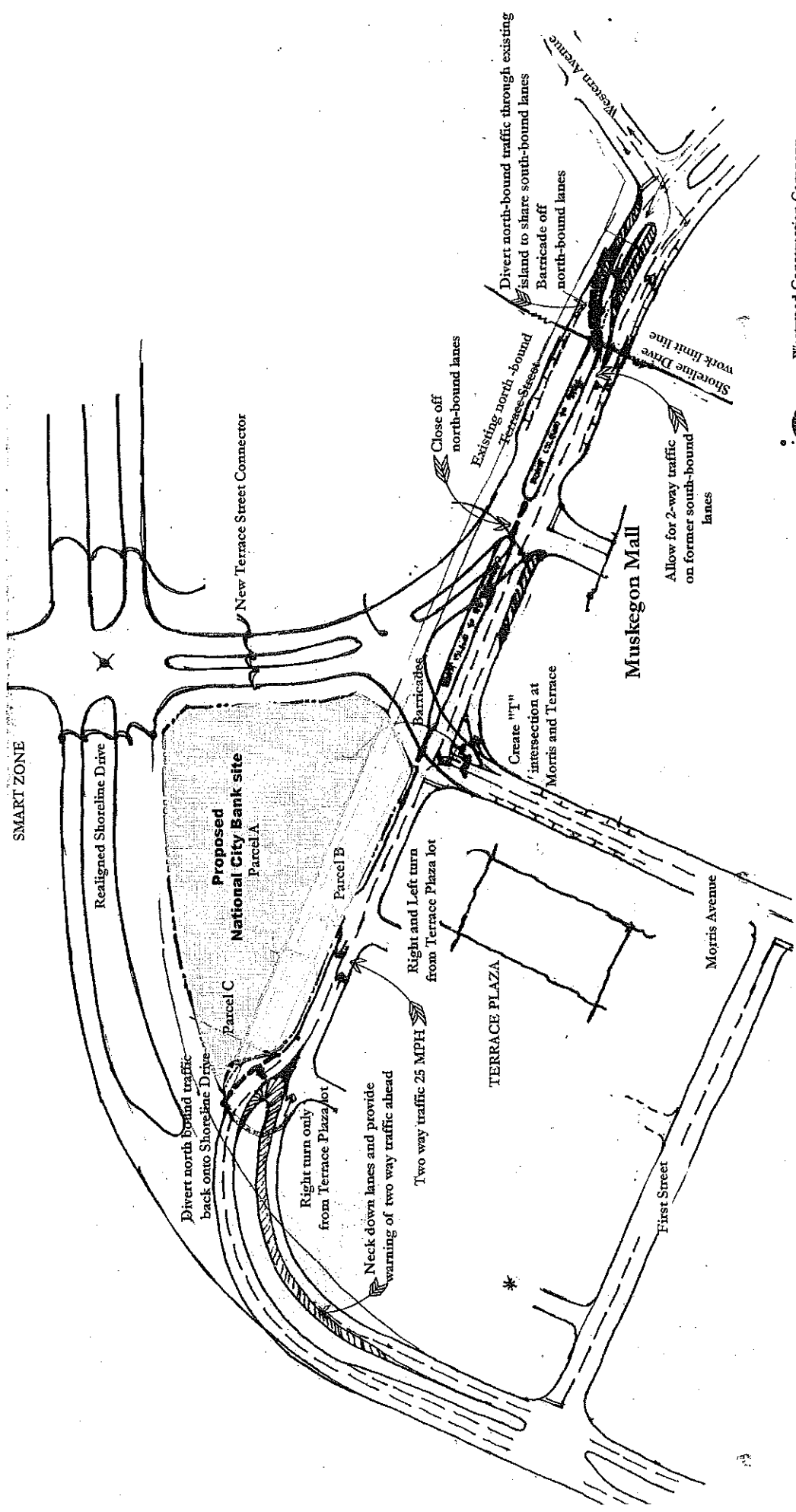
SAID PARCEL CONTAINS 0.60 ACRES MORE OR LESS.

City of Muskegon Planning Commission Case #2002-12



 = Subject Property(ies)
 = Notice Area





Westwood Construction Company
 900 Third Street
 Suite 204
 Muskegon, Michigan 49440
 v. 231.722.9999
 f. 231.722.9960
 www.thewestwoodgroup.com

Post Office

PROPOSED TERRACE STREET ABANDONMENT

NO SCALE



Westwood

March 14, 2002

Mr. Mohammed Al-Shatel
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49440

**RE: Request for Partial Vacation of Terrace Street
For Terrace Development, L.L.C. and the National City Bank
Building Project**

Dear Mr. Al-Shatel:

At the meeting with you, I, and representatives from Westwood Construction Company, you requested further information on the reasons supporting the partial vacation of Terrace Street for the National City Bank Building Project. Terrace Development, L.L.C., its consulting engineers and planners, and Westwood Construction Company have reviewed the plans for the project and have the following response to your request.

The reasons to support the partial vacation of Terrace Street for the National City Bank Building Project are:

1. Based upon the existing site, including the locations required for utility easements, the building must be located and positioned as identified in the attached site plan. Without the vacation, the street access point will be forty feet or less from the corner of the bank building. This access point will most likely, then lead to traffic congestion along Terrace Street and difficulty with access to the project. Without the vacation, there also will be conflicts with internal circulation at the "pinch point" near the building and problems with grading to match the existing grade for the completed building and the final graded site. Both Westwood Construction and Terrace Development analyzed whether the access point could be changed to allow a larger buffer; however, the easements and other obstacles on the site precluded moving the access point as well.
2. With the location of the access point and the building without the vacation, it is likely that maneuvering of fire trucks, rescue equipment,

Mr. Mohammed Al-Shatal

March 14, 2002

Page 2 of 5

utility company service vehicles, employees and customers may become an issue. With the partial vacation of Terrace Street, any concerns about access will be alleviated. Furthermore, if the partial vacation does not occur, it is uncertain whether the existing grades can work because the access point will require slopes for access to the site that will end within 25 feet of the building.

3. As the City is aware, this location is a contaminated site and Terrace Development is now proceeding with a BEA process. This process has shown that contamination does exist on the project site. Once construction begins, Terrace Development will be required to undertake some due care work to make the site usable for the bank project. If the partial vacation is not allowed to move forward at the same time as the remainder of the project, Terrace Development and Westwood Construction will be faced with the potential of digging up and exposing contaminated soils and causing dust from that soil to be deposited on not only the project, but potentially on persons who are in or visiting National City Bank once it opens. The partial vacation will avoid any potential environmental issue in that regard. In addition, should vacation not be granted at the beginning of the project, the only access to the property when Terrace becomes vacated at the end of the project will be the right-in-right-out entrance on the new Terrace addition. This entrance is insufficient to carry the volume of traffic for the site and insufficient for access by public safety and rescue equipment. In other words, the interior roadways will be insufficient to support the traffic if the partial vacation is delayed to a later date.
4. The movement of and placement of utilities at the National City Bank Building Project have been an ongoing struggle. Most recently, we all were advised that Verizon has wires running in the portion of Terrace Street that will be vacated. The Verizon wiring, the wiring for electrical service, water, sewer, storm water, and other dry utilities will have to either be dealt with or be relocated as part of the partial street vacation and as part of the general development of the site. If the partial street vacation does not move forward at this time, it appears that the utilities, due to their present locations, may need to be relocated twice. This duplication, and its increased costs and disruption, can be avoided if the partial vacation is allowed to occur at this time.
5. Another issue that has required a significant amount of attention is the storm water system for the site. The attached site plan shows the locations of the proposed storm water system. As you can see the detention portion of the system now is anticipated to be included in the portion of land to be vacated. If the partial street vacation occurs at a later date, essentially two

Mr. Mohammed Al-Shatal

March 14, 2002

Page 3 of 5

storm water systems will be required—one for the initial National City Bank Building Project and one for the vacated portion of Terrace Street. By proceeding with the partial street vacation at this time, a unified storm water system and its controls can be designed and built for the site without the need to redesign the system and again disrupt the site at a later date. Westwood Construction and the developer's consultants also have reviewed the capacity of the storm water system. Without the vacation, the storm water system for the site will be insufficient because storage areas will be required to be within the vacated areas.

6. As part of the construction for this project, portions of Terrace Street will need to be barricaded for construction and the running of utility lines. This process may also include tearing up at least some portions of Terrace Street. At those times, traffic and people will need to be re-routed basically according to the portion of Terrace Street that is subject to the partial street vacation request. Rather than adding to confusion and potential problems, vacating the street now will allow the planning to occur that is necessary to resolve traffic issues prior to the commencement of construction for this project as well as Terrace, Morris and Shoreline relocations and to have the traffic issues resolved at one time. If the vacation is not allowed, then two separate traffic impacts will occur, which may cause confusion for the people of the City of Muskegon.
7. The parking for this site also is of concern. Although the planning commission approved a temporary lot east of the site some 100 feet away for overflow, providing required parking on the site will more likely promote safety and a complete, stand alone project. If temporary parking would be used, some concern exists with walking along Terrace Street or Shoreline Drive to get to the National City Bank Building. By allowing the partial street vacation to occur now, concerns with pedestrian traffic can be limited to the site itself. Allowing the partial street vacation to occur at this time also will provide, on site at one time, the necessary parking for the entire project without any "phasing" occurring, allowing the developer to lease the second floor space.
8. With regard to zoning requirements, the partial street vacation would allow the site to be more in conformance with zoning than without the vacation occurring. As such, the City would not have to consider other zoning variances or requests in order for the developer to meet the mandates of National City Bank with regard to parking, density, percentage of site coverage and other issues not previously anticipated.

Mr. Mohammed Al-Shatal
March 14, 2002
Page 4 of 5

9. Proceeding with the partial vacation of Terrace Street at this time will also avoid two other issues. First, the partial street vacation will avoid the necessity of dealing with licenses or permits for Westwood Construction to work within Terrace Street and the Right of Way. As noted above, utilities, preliminary grading work and other construction will require that portions of Terrace Street be closed down for that work for a period of two to four months. Second, allowing the partial street vacation to occur at this time will potentially allow the City of Muskegon a savings in the Shoreline Drive construction. As was previously discussed, the removal of the vacated portion of the street and the reworking of the street for traffic re-routing will be the responsibility of the developer based upon plans to be approved by the City. At this time the extent of those savings is not fully know, but could be in excess of \$100,000.00 to the City.
10. Finally, proceeding with the partial vacation of Terrace Street will provide both the developer and the City with some assurance that this action will occur. As the City of Muskegon is aware, through no fault of its own, the construction for Shoreline Drive has met with delays in the past. Because the Terrace Street portion of the Shoreline Drive Project is slated for the last phase, there does exist some concern about when the street vacation would otherwise occur. Without the partial street vacation at this time, there can be no guaranty that it will occur in one year, two years, or ever. This result would lead to numerous problems with both National City Bank and lenders who are basing their tenancy and financing upon the final completed project.

For these reasons, as well as completing the traffic re-routing requirements for Terrace Street relocation at the same time as the construction of the National City Bank Building Project, Terrace Development and Westwood Construction have requested that the partial vacation of Terrace Street occur at this time.

We look forward to working with the City on this site and on the re-routing plan for traffic on Terrace Street. Please do not hesitate to contact us at any time. If you have

West Village Mall, L.L.C.

Mr. Mohammed Al-Shatal
March 14, 2002
Page 5 of 5

questions of a technical nature, please contact Greg Brendel for a prompt response to your questions.

Very truly yours,

Terrace Development, L.L.C.

Mark A. VandenBosch
General Counsel

Enclosures

Cc: Greg Brendel
Ed Kulikowski
Michael J. Bowen
A. Daniel Cronin

Steenhagen, Deborah

From: Al-Shatel, Mohammed
Sent: Wednesday, March 13, 2002 10:35 AM
To: Steenhagen, Deborah
Cc: Mazade, Bryon
Subject: Vacating portion of Terrace St.

After reviewing the letter from Westwood regarding the justification of vacating portion of Terrace as part of the National City bank project , I have no objection if the following conditions are met;

- a traffic plans that is acceptable the engineering department be provided
- the developer agrees to the City reclaiming any parts of that vacated section deemed necessary by the City to accomplish the construction of Shoreline Dr. East project with no conditions attached. Furthermore, the reclaim of said section(s) can be permanent or temporary.

Commission Meeting Date: March 26, 2002

Date: March 7, 2002

To: Honorable Mayor & City Commission

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

**RE: Disclosure of Potential Conflict of Interest Under
CDBG Community Development Block Grant
Program**

SUMMARY OF REQUEST: Under Community Development Block Grant regulations, potential conflicts of interest must be disclosed to the public prior to requesting a waiver from HUD. Sheliah Shah of 807 Wood Street, has applied for CDBG assistance for front porch steps under the City's Emergency Program. Ms. Shah is a member of the Citizen's District Council. The City Attorney has determined that no conflict of interest is present in this case; however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the City's Community and Neighborhood Services Dept, to submit the waiver of conflict of interest to the U. S. Department of Housing and Urban Development.

COMMITTEE RECOMMENDATION: Not Applicable

PARMENTER O'TOOLE*Attorneys at Law*

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Ms. Ardyce Haken
Housing Counselor
Community and Neighborhood Services
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Re: Sheliah Shah: Possible CDBG Grant

Dear Ms. Haken:

You have requested our opinion as to whether Sheliah Shah is prohibited from receiving monies from the City of Muskegon, which is passing through Community Development Block Grant monies (CDBG). The basis of the concern is that Ms. Shah has applied for CDBG monies for an emergency porch step repair.

You have indicated that the problem is the following:

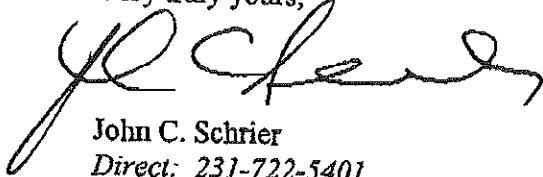
1. Ms. Shah sits on the Citizens District Council (CDC);
2. The CDC reviews requests for CDBG funds;
3. The CDC makes a recommendation to the city commission as to how CDBG funds should be expended; and
4. You have indicated, however, that the CDC is the recommending-body, only, and is not a decision-making body.

While state law provides guidelines as to contracts between governmental entities and individuals involved in the negotiating or decision making of such contracts, they are not applicable here. For a variety of reasons, including that Ms. Shah is not an employee, does not negotiate on behalf of the City for the use of CDBG monies, and that she, even as one of the members of the CDC, is not in a decision-making position, state law does not prohibit the City of Muskegon from giving a grant to Ms. Shah. Further, we find nothing in either the city charter or city ordinances, which would address such.

We would encourage you to undertake the same discussion with representatives of the U.S. Department of Housing and Urban Development (HUD). There may well be HUD regulations dealing with this issue.

For perception purposes, it may be appropriate to ask Ms. Shah not to vote on the recommendation dealing with her specific property. I will let you discuss this with her, directly.

Very truly yours,



John C. Schrier

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