

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 13, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION: Deniz Tolga, Kepez-Turkey
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Recommendations for the Various Boards and Committees. CITY CLERK
 - C. Liquor License Request – 609 W. Western. CITY CLERK
 - D. Six Month Extension to Complete Reconstruction of the Home at 354 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. Amendment to the Policy for Sale of City-Owned Residential Property in the Historic Infill Area. PLANNING & ECONOMIC DEVELOPMENT
 - F. Consideration of Bids - Modifications to Locker Room in Police Department. ENGINEERING
 - G. Contract Agreement - Lockers - The Casper Corporation. PUBLIC SAFETY
 - H. Change Order #1 for Central Fire Station. CITY MANAGER
 - I. Nested Stormwater Agreements. PUBLIC WORKS
 - J. Consideration of Bids - Department of Public Works Building Modifications. ENGINEERING
 - K. Request for an Encroachment Agreement. ENGINEERING
 - L. City MDOT Agreement for Park Street Reconstruction, Hackley to Young. ENGINEERING

❑ **PUBLIC HEARINGS:**

- A. Request for an Industrial Facilities Exemption Certificate - Johnson Technology, Inc. PLANNING & ECONOMIC DEVELOPMENT
- B. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK
- C. Create a Special Assessment District for Division Street, Laketon to Southern. ENGINEERING
- D. Create a Special Assessment District for McGraft Park Road, Addison to Glenside. ENGINEERING
- E. 2007-2008 CDBG/HOME Recommendation and City Commission Preliminary Decision. COMMUNITY & NEIGHBORHOOD SERVICES

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

- A. Amendment to the 2007 Master Fee Schedule - Hartshorn Marina Boat Slip and Mooring Rate Increase. ASSISTANT CITY MANAGER

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **ADJOURNMENT:**

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

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 27th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 13, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 13, 2007.

Mayor Warmington opened the meeting with a prayer from Reverend Duane Banks from the Spring Street Missionary Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Clara Shepherd, Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

INTRODUCTIONS/PRESENTATION: Mayor Warmington introduced Deniz Tolga who is from our Sister City Kepez-Turkey.

2007-23 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 27th.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Recommendations for the Various Boards and Committees. CITY CLERK

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

Accept the resignation of Sonja Hernandez from the Citizen Police Review Board

Appoint Carlos Florez to the Citizen's Police Review Board

Appoint Bess Commodore to the Hospital Finance Authority

Appoint Branden J. Gemzer to the Income Tax Board of Review

Appoint Dwayne Lang and Jodi McClain to the Local Officer's Compensation Commission

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

C. Liquor License Request – 609 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Topsy Toad, Inc. for a New Outdoor Service Area. They currently have a 2006 Class C-SDM Licensed Business with Dance-Entertainment Permit and Two Bars located at 609 W. Western.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

D. Six Month Extension to Complete Reconstruction of the Home at 354 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a six month extension to allow John C. Allen time to complete the reconstruction of the home at 354 W. Muskegon Avenue. Mr. Allen purchased the property to reconstruct a historic home on the property and has completed over 75% of the exterior. The City has customarily granted extensions to parties who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Allen has worked with staff and feels that the six month extension will allow enough time for this.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution.

E. Amendment to the Policy for Sale of City-Owned Residential Property in the Historic Infill Area. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the amendment to the "Policy for Sale of City-Owned Residential Property in the Historic Infill Area". This policy is only for the area located on W. Muskegon Avenue between Fourth and Fifth Streets. There are two city owned lots left in this infill area. The amendment is to remove the sentence "Staff is further directed not to charge for city assistances with tree trimming, traffic control or police escorts when assisting with a house move to this target area." and to remove the word "also" from the sentence that followed.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval of the policy change at their regular meeting of February 27, 2007.

F. Consideration of Bids - Modifications to Locker Room in Police Department. ENGINEERING

SUMMARY OF REQUEST: Award the base bid portion of the contract for the police department modification to Muskegon Quality Builders, Inc. of Muskegon Heights, MI since they were the lowest responsible bidder with a bid price of \$35,400.

FINANCIAL IMPACT: The construction cost of \$35,400

BUDGET ACTION REQUIRED: None. This project was budgeted for in the 2006 CIP, however, not much of the budgeted amount was spent in 2006 and therefore the project was carried over to 2007 and will be reflected in the 1st Quarter Forecast of the 2007 budget.

STAFF RECOMMENDATION: Award the contract to Muskegon Quality Builders, Inc.

G. Contract Agreement - Lockers - The Casper Corporation. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission consider the bid for lockers for the women's locker room in the police department. The bid was submitted by The Casper Corporation of Kalamazoo, Michigan. This request is being made in conjunction with the proposed bid award for the expansion of the same locker room.

Due to the layout of the locker room, The Casper Corporation is the only vendor who could provide the style of locker (built-in locking storage and bench) that will function in conjunction with the design. Cost for the lockers as proposed by Casper is \$16,036.

FINANCIAL IMPACT: A portion of the locker costs will be paid for by the capital improvement funds designated for this project. The remaining costs (approximately \$9,000) need to be funded.

BUDGET ACTION REQUIRED: Appropriation from the contingency fund.

STAFF RECOMMENDATION: Approval of this request.

I. Nested Stormwater Agreements. PUBLIC WORKS

SUMMARY OF REQUEST: To approve the Interagency Agreements with Muskegon Public Schools, Muskegon Community College and Muskegon Area Intermediate School District for coverage under the City of Muskegon's Phase II National Pollutant Discharge Elimination System Permit to discharge stormwater and to approve the resolution authorizing the Mayor and City Clerk to sign these Agreements.

FINANCIAL IMPACT: Under these Agreements, the named school districts, all located within the City's jurisdiction, agree to participate in compliance with the Permit and to reimburse the City for a percentage of the routine costs associated with the City's compliance with the Permit.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: That the Agreements and resolution be approved.

J. Consideration of Bids - Department of Public Works Building Modifications. ENGINEERING

SUMMARY OF REQUEST: Award a heating system modification at the Department of Public Works building to Northside Heating since they were the lowest responsible bidder with a bid price of \$18,705. The scope of work shall consist of replacement of the unit heaters in the stock room area with tube heaters to save over 25% in energy usage and to reconfigure and balance the heat distribution into the offices to cutback on portable heater usage.

FINANCIAL IMPACT: The construction cost of \$18,705.

BUDGET ACTION REQUIRED: The 1st quarter forecast will be revised to include this project.

STAFF RECOMMENDATION: Award the contract to Northside Heating.

K. Request for an Encroachment Agreement. ENGINEERING

SUMMARY OF REQUEST: ESC Consulting Engineers is requesting on behalf of Federal – Mogul Corporation your permission to install two monitoring wells within the Temple Street's right of way as reflected in the application.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

L. City MDOT Agreement for Park Street Reconstruction, Hackley to Young. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Park Street from Hackley to Young and to approve the

resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is capped at \$192,000 but not to exceed 80% of eligible cost. The estimated total eligible construction cost (without engineering which is not eligible) of the project is \$240,000.

BUDGET ACTION REQUIRED: None. The Cities of Muskegon and Muskegon Heights has budgeted for their share (50% each) of the project in 2007.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as read minus item H.

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

Nays: None

MOTION PASSES

2007-24 ITEM REMOVED FROM THE CONSENT AGENDA:

H. Change Order #1 for Central Fire Station. CITY MANAGER

SUMMARY OF REQUEST: To approve Change Order #1 for the new fire station, the majority of which is for fill sand to raise up the site. The amount needed was not yet determined at the time of the bid.

FINANCIAL IMPACT: \$40,109.65

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Change Order.

Motion by Commissioner Carter, second by Commissioner Spataro to approve Change Order #1 for Central Fire Station.

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

Nays: None

MOTION PASSES

2007-25 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate - Johnson Technology, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Johnson Technology, Inc., 2034 Latimer Drive, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 2034 Latimer Drive, Muskegon. The total capital investment is approximately \$5,580,077 with \$993,077 in real property and \$4,587,294 in personal property, and includes the

addition of 25 new jobs. This request qualifies Johnson Technology, Inc. for a term of 12 years for real property and 9 years for personal property.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 9 years for personal property.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and approve the request for an Industrial Facilities Exemption Certificate for Johnson Technology, Inc.

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

Nays: None

MOTION PASSES

B. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 23, 2007, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the resolution.

Public comments were heard from Malachi Williams, 3031 Merriam Street, owner of Dreamers; and Michael Baker, 1150 Apple, Elks Charity Lodge.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing and adopt the resolution for the annual renewal of liquor licenses with the provisions outlined.

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

Nays: None

MOTION PASSES

C. Create a Special Assessment District for Division Street, Laketon to Southern. ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

Public comments were heard from Benita Blohm, 1749 Division, against the special assessment.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing and create the special assessment district for Division Street, Laketon to Southern, and assign two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Shepherd and Vice Mayor Gawron to the Board of Assessors.

D. Create a Special Assessment District for McGraft Park Road, Addison to Glenside. ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing and create the special assessment district for McGraft Park Road, Addison to Glenside.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo,

and Carter

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Wierengo and Commissioner Davis to the Board of Assessors.

E. 2007-2008 Community Development Block Grant/HOME Recommendation and City Commission Preliminary Decision.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing concerning the CDBG/HOME 2007-2008 recommendation, submitted by both the administration and the Citizen's District Council. The public hearing is to obtain comments from the public in reference to the 2007-2008 CDBG/HOME allocation funding which is designated to be \$1,060,000 and \$301,760 respectively, excluding any program income and reprogrammed funding. The 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 10, 2007. After that date, the CNS office will continue the Citizen Participation process until at least April 17, 2007. At or near that date, the City of Muskegon will request a release of funds from the U.S. Department of Housing and Urban Development.

FINANCIAL IMPACT: The 2007-2008 allocations will be based on the Commission decision.

BUDGET ACTION REQUIRED: None at this time.

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

Public comments were heard from Leland Davis, 1148 Terrace Manor, asking how much money is being spent to fix up our housing. Community & Neighborhood Services Director, Wilmer Griffin gave an explanation.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve Citizen District Council's preliminary request for the 2007-2008 CDBG/HOME recommendation.

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

Nays: None

MOTION PASSES

2007-26 NEW BUSINESS:

A. Amendment to the 2007 Master Fee Schedule - Hartshorn Marina Boat

Slip and Mooring Rate Increase. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To amend the 2007 Marina boat slip/mooring fees. The increase is being requested due to the Michigan State Waterways Commission action that took place on February 23, 2007. The increase on average is 3.3% in both Standard Transient and Seasonal Rate Areas.

FINANCIAL IMPACT: Potential increase in slip rental revenues at Hartshorn Marina.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval, to adopt the rates as required.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the amendment to the 2007 Master Fee Schedule for the Hartshorn Marina boat slip and mooring rate increase.

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

Nays: None

MOTION PASSES

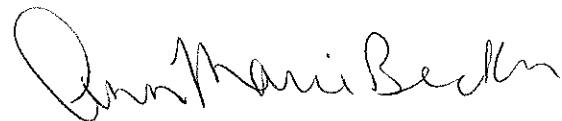
ANY OTHER BUSINESS: Commissioner Spataro asked for an update on 487 W. Clay. City Attorney John Schrier gave an update.

Commissioner Shepherd commended Frances Day and Police Officers Tim Titus and Jeremy Velik for their efforts in helping a citizen in need.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:23 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ann Marie Becker".

Ann Marie Becker, MMC
City Clerk

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Community Relations Committee
RE: Recommendations for the Various Boards and Committees

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

Accept the resignation of Sonja Hernandez – Citizen Police Review Board and make the following appointments:

Citizen's Police Review Board
Carlos Florez – minority based organization

Hospital Finance Authority
Bess Commodore - Citizen

Income Tax Board of Review
Branden J. Gemzer - Resident

Local Officer's Compensation Commission
Dwayne Lang – Citizen
Jodi McClain - Citizen

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Recommends Approval

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Request
609 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Topsy Toad, Inc. for a New Outdoor Service Area. They currently have a 2006 Class C-SDM Licensed Business with Dance-Entertainment Permit and 2 Bars located at 609 W. Western.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval, contingent upon final inspection.

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

Assessor
(231)724-6708
FAX (231)726-5181

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

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

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

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

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

Engineering
(231)724-6707
FAX (231)727-6904

Finance
(231)724-6713
FAX (231)724-6768

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

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

Info. Technology
(231)724-4126
FAX (231)722-4301

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

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

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

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

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

Public Works
(231)724-4100
FAX (231)722-4188

Treasurer
(231)724-6720
FAX (231)724-6768

Water Billing
(231)724-6718
FAX (231)724-6768

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



March 14, 2007

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

REF: Req ID #389009
Topsy Toad

To Whom It May Concern:

Enclosed is Form LC-1800 for Topsy Toad, 609 W. Western, Muskegon, MI which was recommended for approval by the City Commission at their March 13, 2007, City Commission Meeting.

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

Sincerely,

Linda Potter
Deputy Clerk

enc.

2007-23(c)

mm1-26-07



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 389009

Business ID # 165655

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

TIPSY TOAD, INC. REQUESTS TO ADD SPACE TO 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT AND 2 BARS, LOCATED AT 609 W. WESTERN, MUSKEGON, MI 49441, MUSKEGON COUNTY. *Request for a New Outdoor Service Area added in field.* (mm)

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 CONTACT: CINDY PIZUNSKI, PRESIDENT (NO PHONE # ON FILE)

APPLICANT #2:

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE FINGERPRINTED:

DATE OF BIRTH:
 Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

DATE OF BIRTH:
 Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

*Does the applicant have a Visa? Enter status:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?

☐ No ☒ Yes, complete LC-1636 *Previously Submitted*

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 the Commission grant this request?

☒ Yes ☐ No

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

J. L. Kleber
 Signature (Sheriff or Chief of Police)

2-6-07
 Date

MUSKEGON POLICE DEPARTMENT

mm 1-26-07



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

January 19, 2007

MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 389009

Applicant:

TIPSY TOAD, INC. REQUESTS TO ADD SPACE TO 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT AND 2 BARS, LOCATED AT 609 W. WESTERN, MUSKEGON, MI 49441, MUSKEGON COUNTY.

Request for a New Outdoor Service Area added in field. (mm)

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

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

LIQUOR LICENSE REVIEW FORM

Business Name: Tipsy Toad, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Cindy Pizunski

Business Address: 609 W. Western
Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space (Roof top)

Deadline for receipt of all information: _____

Public Safety 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/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature 

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Tipsy Toad, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Cindy Pizunski

Business Address: 609 W. Western

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space (Roof top)

Deadline for receipt of all information: _____

Public Safety 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/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

☐ FAXED RECEIVED ☐

FEB 16 2007

☐ APPROVED POSTED ☐
CITY OF MUSKEGON TREASURY

Department Signature Jenna OJ

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

RECEIVED

Business Name: Tipsy Toad, Inc.

FEB 16 2007

CITY OF MUSKEGON
TRAINING DEPARTMENT

AKA Business Name (if applicable): _____

Operator/Manager's Name: Cindy Pizunski

Business Address: 609 W. Western

Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other

Add Space (Roof top)

Deadline for receipt of all information: _____

Public Safety

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/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Bill E. Carter

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Tipsy Toad, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Cindy Pizunski

Business Address: 609 W. Western
Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space (Roof top)

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☒ Amount: 30.00 *paid 3-5-07*

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Not Registered OK

Department Signature Irene 2-16-7

Please return to the City Clerk's Office
Gail A. Kunderger,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Tipsy Toad, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Cindy Pizunski

Business Address: 609 W. Western

Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other Add Space (Roof top)

Deadline for receipt of all information: _____

Public Safety

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/Inspections

Approved ☒

Denied ☐

Remaining Defects ☐

approval pending final
inspection

Department Signature

M. J. Mital

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Tipsy Toad, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Cindy Pizunski

Business Address: 609 W. Western

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Space (Roof top)

Deadline for receipt of all information: _____

Public Safety 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/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

PENDING FINAL inspection

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

Commission Meeting Date: March 13, 2007

Date: February 21, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
RE: Six Month Extension to Complete Reconstruction of the home at 354 W. Muskegon Avenue.

SUMMARY OF REQUEST:

To approve a six month extension to allow John C. Allen time to complete the reconstruction of the home at 354 W. Muskegon Avenue. Mr. Allen purchased the property to reconstruct a historic home on the property and has completed over 75% of the exterior. The City has customarily granted extensions to parties who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Allen has worked with staff and feels that the six month extension will allow enough time for this.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the attached resolution.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2007-23(d)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING A SIX MONTH EXTENSION TO COMPLETE THE
RECONSTRUCTION OF THE HOME LOCATED AT 354 W MUSKEGON AVENUE**

WHEREAS, John C. Allen has submitted a request for a time extension; and

WHEREAS, John C. Allen has shown a commitment to complete the reconstruction of the home
as the exterior is over 75% completed at this time; and

WHEREAS, the completion of the reconstruction of the home will further enhance the ambiance
of the City's residential area.

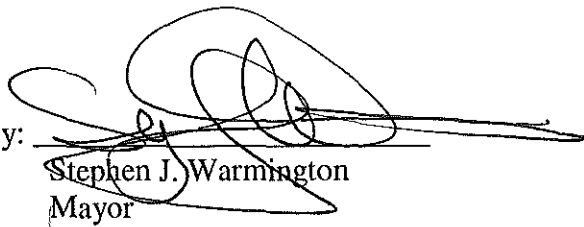
NOW THEREFORE BE IT RESOLVED, that John C. Allen be granted an additional six months
to complete the reconstruction of the home located at 354 W Muskegon Avenue.

Adopted this 13th day of March 2007.

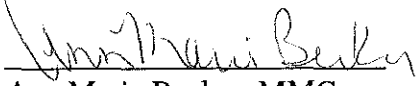
Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis,
and Gawron

Nays: None

Absent None

By: 

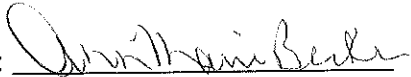
Stephen J. Warmington
Mayor

Attest: 

Ann Marie Becker, MMC
Clerk

2007-23(d)
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on March 13, 2007.

By: 
Ann Marie Becker, MMC
Clerk

Commission Meeting Date: March 13, 2007

Date: March 1, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Amendment to the Policy for Sale of City-Owned Residential Property in the Historic Infill Area

SUMMARY OF REQUEST:

To approve the amendment to the "Policy for Sale of City-Owned Residential Property in the Historic Infill Area". This policy is only for the area located on W. Muskegon Avenue between Fourth and Fifth Streets. There are two city owned lots left in this infill area. The amendment is to remove the sentence "Staff is further directed not to charge for city assistances with tree trimming, traffic control or police escorts when assisting with a house move to this target area." and to remove the word "also" from the sentence that followed.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommended approval of the policy change at their regular meeting of February 27, 2007.

RESOLUTION NO. 2007-23(e)

MUSKEGON CITY COMMISSION

RESOLUTION TO ADOPT AN AMENDMENT TO THE "POLICY FOR SALE OF CITY-OWNED RESIDENTIAL PROPERTY IN THE HISTORIC INFILL AREA"

WHEREAS, the City of Muskegon has two remaining lots located in the Historic Infill Area on W. Muskegon Avenue between Fourth and Fifth Streets and wishes to sell these lots, and;

WHEREAS, the removal of the sentence "Staff is further directed not to charge for city assistance with tree trimming, traffic control or police escorts when assisting with a house move to this target area." and the removal of the word "also" from the sentence directly following will alleviate the City from any additional expenses;

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby adopts the following policy: (attached)

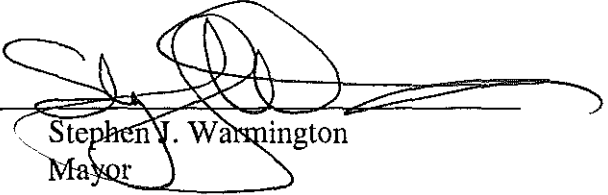
Adopted this 13th day of March, 2007.

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

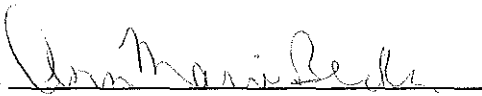
Nays: None

Absent: None

By

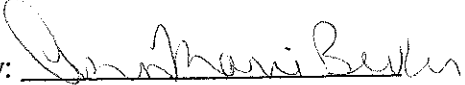

Stephen J. Warmington
Mayor

Attest


Ann Marie Becker, MMC
City Clerk

2007-23(e)
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on March 13, 2007.

By: 
Ann Marie Becker, MMC
City Clerk

City of Muskegon

Policy for Sale of City-Owned Residential Property In the Historic Infill Area

Objective

The City of Muskegon (the City) wishes to expand its residential tax base while simultaneously alleviating itself of the significant cost burden associated with year-round maintenance of vacant lots. The City reserves the right to join and split lots to assist with this process. All property will be sold as is. All sales are subject to City Commission approval.

Houston Historic District

The Houston Historic District is an important part of Nelson Neighborhood and historic homes are a critical component in the character of the community. The City Commission hereby set aside five vacant, City owned lots with approximately 79 feet of frontage each, in the block bound by Muskegon Avenue, Webster Avenue, Fourth and Fifth Streets for the historic in-fill program. Staff shall administer the historic home in-fill program under certain guidelines.

Historic Home Relocation:

The lots will be sold for one thousand dollars (\$1,000) to persons wishing to relocate and rehabilitate a historic home on a lot, provided:

1. The home is not being taken from an existing historic district (unless it must be removed for pending development).
2. The removal of the home from its existing site is not a detriment to the area from which it is being moved.
3. The home will be owner-occupied, single-family residence.
4. The home is sound enough to move and it is feasible to rehabilitate it.
5. The person moving the home provides proof of financial ability and a time schedule for the project.
6. The home must be moved and the exterior work completed within 18 months of closing.
7. The plans and the home must be approved by the Historic District Commission prior to the sale of the property.

~~Staff is further directed not to charge for city assistance with tree trimming, traffic control or police escorts when assisting with a house move to this target area.~~ Staff shall also provide information on historic tax credit and Neighborhood Enterprise Zone programs.

New Historic Home Construction

The lots will be sold for 75% of the True Cash Value as assigned by the Assessor's Office with the following conditions:

1. The home will be owner-occupied, single-family residence.
2. The home must be constructed within 18 months of closing.
3. The new construction must follow the Historic District Guidelines for new construction.

4. The house plans must receive Historic District Approval prior to purchase.
5. The home must also have the following home design:
 - a. The structure shall have a minimum of 2,200 square feet of usable living space (excluding all basement area).
 - b. The structure must be two-stories.
 - c. The structure must have a full basement.

Criteria for Historic Home Relocation and New Historic Home Construction:

1. The home must be positioned on the lot in a manner similar to surrounding homes.
2. At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of the Historic District Commission and this policy.
3. Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection.
4. At least two (2) shade trees shall be provided on site of at least two and one-half (2.5") inches in diameter, four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement.
5. The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner.
6. The home shall meet all other requirements of the Zoning Ordinance that are not addressed in this policy.

As a condition of sale, structures built on these properties must be owner occupied for a minimum of 5 years. The buyer must ¹commence construction within 18 months of the date of purchase, or the property will revert back to the City's ownership, free and clear of any claim of the buyer. All structures must conform to all City building and zoning requirements.

Recording of the Deed

All property sales must be recorded with the Muskegon County Register of Deeds. This is the sole responsibility of the buyer. All sales will be handled as quit claim deeds.

Closing Costs

All closing costs will be split between the buyer and the seller.

Property Survey

All costs and activities associated with a survey are the sole responsibility of the buyer.

¹ "Commence Construction" means that a buyer has been issued a residential building permit by the City of Muskegon and also (in the sole opinion of the City of Muskegon's Building Official) that at least seventy-five percent (75%) of the dwelling has been completed.

Environmental

Properties will be sold as is. Any environmental analysis is the sole responsibility of the buyer.

Financing

Financing the acquisition of City-owned property and subsequent construction (if applicable) is the sole responsibility of the buyer. Failure to provide proof of adequate financing may be used as a basis for denial of a sale.

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Modifications to Locker Room in Police Department

SUMMARY OF REQUEST:

Award the base bid portion of the contract for the police department modification to Muskegon Quality Builders, Inc. of Muskegon Heights, MI since they were the lowest responsible bidder with a bid price of \$35,400.

FINANCIAL IMPACT:

The construction cost of \$35,400.

BUDGET ACTION REQUIRED:

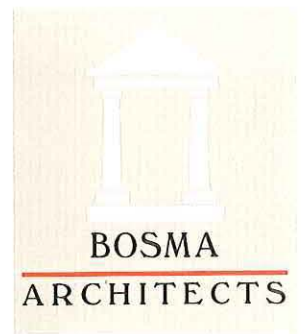
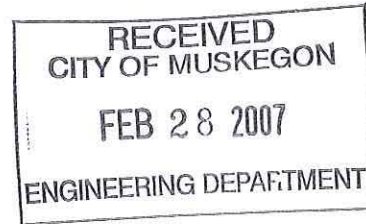
None. This project was budgeted for in the 2006 CIP, however, not much of the budgeted amount was spent in 2006 and therefore the project was carried over to 2007 and will be reflected in the 1st Quarter Forecast of the 2007 budget.

STAFF RECOMMENDATION:

Award the contract to Muskegon Quality Builders, Inc.

COMMITTEE RECOMMENDATION:

City of Muskegon
933 Terrace Street
Muskegon, MI 49443



ATTN: Mohammed S. Al-Shatel

RE: Police Dept. Remodeling

Dear Mr. Al-Shatel,

Based on the bids received on February 22, 2007 from the seven general contractors, Bosma Architects and Associates recommends awarding to the low bidder, Muskegon Quality Builders, for the base bid of \$35,400.00.

Please see the attached bid summary for all of the bids for this project.

Thank you for the opportunity to work with the City of Muskegon again.

Yours Truly,

A handwritten signature in cursive script that reads "Tim Bosma". A long, horizontal, slightly wavy line is drawn above the signature, extending from the left margin towards the center.

Tim A. Bosma

557 W. Western Avenue

Muskegon, MI 49440

Phone: (231) 728-9519

Fax: (231) 722-0413

City of Muskegon Police Department

2/22/2007

Bosma Architects & Associates
557 West Western Ave.
Muskegon, MI 49440

CONTRACTOR	BASE BID	ALTERNATE #1	COMPLETION DATE
Buck Construction, 500 Irwin, Muskegon	\$39,206.00	\$14,200.00	30 Days
Patron Construction, 8360 Holton Rd. Holton	\$42,000.00	\$18,320.00	45 Days
DeRose Builders, 7786 Wiczer Dr. Whitehall	\$38,900.00	\$16,500.00	60 Days
Tridonn Construction, 1461 Evanston, Muskegon	\$47,593.00	\$17,389.00	54 Days
VanderVen Construction, 1154 Scenic Dr., Muskegon	\$38,172.00	\$18,329.00	45 Days
Winberg Construction, 8868 Water St., Montague	\$46,790.00	\$17,290.00	60-90 Days
Muskegon Quality Builders, 2837 Peck, Muskegon HTS.	\$35,400.00	\$17,400	60 Days

AIA DOCUMENT A101-1997**Standard Form of Agreement Between Owner and Contractor**
where the basis of payment is a STIPULATED SUM

AGREEMENT made as of the Fifteenth
in the year Two Thousand and Seven
(In words, indicate day, month and year)

day of March

BETWEEN the Owner:
(Name, address and other information)

City of Muskegon
933 Terrace Street
Muskegon, MI 49443

and the Contractor:
(Name, address and other information)

Muskegon Quality Builder
2837 Peck Street
Muskegon, MI 49444

The Project is:
(Name and location)

Remodel police dept.
locker rooms
933 Terrace Street
Muskegon, MI 49443

The Architect is:
(Name, address and other information)

Bosma Architects
557 West Western Ave
Muskegon, MI 49440

The Owner and Contractor agree as follows.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201-1997, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

This document has been approved and endorsed by The Associated General Contractors of America.



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AIA DOCUMENT A101-1997
OWNER-CONTRACTOR
AGREEMENT

The American Institute
of Architects
1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article 8.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except to the extent specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

If, prior to the commencement of the Work, the Owner requires time to file mortgages, mechanic's liens and other security interests, the Owner's time requirement shall be as follows:

3.2 The Contract Time shall be measured from the date of commencement.

3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than 60 days from the date of commencement, or as follows:

(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. Unless stated elsewhere in the Contract Documents, insert any requirements for earlier Substantial Completion of certain portions of the Work.)

, subject to adjustments of this Contract Time as provided in the Contract Documents.

(Insert provisions, if any, for liquidated damages relating to failure to complete on time or for bonus payments for early completion of the Work.)



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The American Institute
of Architects
1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

ARTICLE 4 CONTRACT SUM

4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be **Thirty-five Thousand Four Hundred**
Dollars (\$35,400.00)
subject to additions and deductions as provided in the Contract Documents.

4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If decisions on other alternates are to be made by the Owner subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount was made.)

4.3 Unit prices, if any, are as follows:

ARTICLE 5 PAYMENTS

5.1 PROGRESS PAYMENTS

5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

5.1.3 Provided that an Application for Payment is received by the Architect not later than the **thirtieth** day of a month, the Owner shall make payment to the Contractor not later than the **twentieth** day of the **next** month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than **twenty-one** days after the Architect receives the Application for Payment.

5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.



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The American Institute
of Architects
1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

5.1.5 Applications for Payment shall indicate the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- 1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of ten percent (10 %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Subparagraph 7.3.8 of AIA Document A201-1997;
- 2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of _____ percent (_____ %);
- 3 Subtract the aggregate of previous payments made by the Owner; and
- 4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Paragraph 9.5 of AIA Document A201-1997.

5.1.7 The progress payment amount determined in accordance with Subparagraph 5.1.6 shall be further modified under the following circumstances:

- 1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and (*Subparagraph 9.8.5 of AIA Document A201-1997 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.*)
- 2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Subparagraph 9.10.3 of AIA Document A201-1997.

5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Clauses 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

See specifications 1.2.23 D

5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

5.2 FINAL PAYMENT

5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when:

- 1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Subparagraph 12.2.2 of AIA Document A201-1997, and to satisfy other requirements, if any, which extend beyond final payment; and
- 2 a final Certificate for Payment has been issued by the Architect.



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of Architects
1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

ARTICLE 6 TERMINATION OR SUSPENSION

6.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-1997.

6.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-1997.

ARTICLE 7 MISCELLANEOUS PROVISIONS

7.1 Where reference is made in this Agreement to a provision of AIA Document A201-1997 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

7.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

(Insert rate of interest agreed upon, if any.)

(Usury laws and requirements under the Federal Truth in Lending Act, similar state and local consumer credit laws and other regulations at the Owner's and Contractor's principal places of business, the location of the Project and elsewhere may affect the validity of this provision. Legal advice should be obtained with respect to deletions or modifications, and also regarding requirements such as written disclosures or waivers.)

7.3 The Owner's representative is:

(Name, address and other information)

JR Gahan
933 Terrace Street
Muskegon, MI 49443

7.4 The Contractor's representative is:

(Name, address and other information)

Thom Grimm
2837 Peck Street
Muskegon, MI 49444

7.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days' written notice to the other party.

7.6 Other provisions:



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AIA DOCUMENT A101-1997
OWNER-CONTRACTOR
AGREEMENT

The American Institute
of Architects
1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

ARTICLE 8 ENUMERATION OF CONTRACT DOCUMENTS

8.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

8.1.1 The Agreement is this executed 1997 edition of the Standard Form of Agreement Between Owner and Contractor, AIA Document A101-1997.

8.1.2 The General Conditions are the 1997 edition of the General Conditions of the Contract for Construction, AIA Document A201-1997.

8.1.3 The Supplementary and other Conditions of the Contract are those contained in the Project Manual dated February 1, 2007, and are as follows:

Document	Title	Pages
Advertisement for Bids		2
Instructions to Bidders		3
Form of Proposal		4

8.1.4 The Specifications are those contained in the Project Manual dated as in Subparagraph 8.1.3, and are as follows:

(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

Section	Title	Pages
Division 1	General Requirements	13
Division 8	Doors and Windows	4
Division 9	Finishes	4

8.1.5 The Drawings are as follows, and are dated 01/26/2007 unless a different date is shown below:

(Either list the Drawings here or refer to an exhibit attached to this Agreement.)

Number	Title	Date
A1-2	Architectural	
M1-3	Mechanical	
P1	Plumbing	
E1-3	Electrical	



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8.1.6 The Addenda, if any, are as follows:

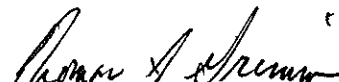
Number	Date	Pages
1	02/15/2007	1

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 8.

8.1.7 Other documents, if any, forming part of the Contract Documents are as follows:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201-1997 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

This Agreement is entered into as of the day and year first written above and is executed in at least three original copies, of which one is to be delivered to the Contractor, one to the Architect for use in the administration of the Contract, and the remainder to the Owner.


OWNER (Signature)


CONTRACTOR (Signature)

J.A. Gorman Bldg Maint. Supt.
(Printed name and title)

Thomas A. Gorman, President
(Printed name and title)

CAUTION: You should sign an original AIA document or a licensed reproduction. Originals contain the AIA logo printed in red; licensed reproductions are those produced in accordance with the Instructions to this document.



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FORM OF PROPOSAL FOR GENERAL CONSTRUCTION

BOSMA ARCHITECTS & ASSOCIATES, P.C.
557 W. Western Avenue
Muskegon, Michigan 49440

Date February 22, 2007

Contractor shall remove these sheets and submit bid on this form.

Having carefully examined the specifications entitled Specifications for CITY OF MUSKEGON POLICE DEPARTMENT, MUSKEGON, MICHIGAN and drawings similarly entitled, which cover the General Construction and Mechanical and Electrical trades as well as the promises and the conditions affecting the work, including addenda #1 dated 2/15/07 or none, the undersigned proposes to furnish all labor and materials called for by and in accordance with such documents for the sum of

Thirty Five thousand four hundred and
00/100 Dollars (35,400⁰⁰)

GENERAL ALTERNATES

Alternate #1 - see drawings for work on first floor and evidence storage area -

ADD: \$ 17,400⁰⁰

VARIATIONS FROM MATERIALS SPECIFIED

In accordance with Division 1.2.16, the undersigned proposes the use of the materials of the manufacturers below designated for those listed in the specifications, and agrees to increase or decrease the Base Bid by the amount designated, if any or all substitutions are approved.

PRODUCT	MANUFACTURER	ADD	DEDUCT
NA			

(Insert additional sheets if more space is required.)

It is further agreed that if variations from materials specified are not requested herein or, if requested and not approved, then the materials specified shall be furnished. Accepted variations will be incorporated in the contract and no other materials will be allowed except upon written authorization of the Architect.

ACCEPTANCE

If he be notified of the acceptance of this proposal within sixty days after the date of the opening of bids, the undersigned agrees to execute a contract for the above work for the above stated compensation within ten days after date of notification.

TIME FOR COMPLETION

The undersigned further agrees to complete all services and the installation of all work, materials and equipment provided for under this proposal within a period of 60 calendar days subsequent to the date of the contract.

SUBCONTRACTORS

The prime subcontractors I will employ for this project are as follows:

Plumbing Subcontractor: Pipestone Plumbing

Mechanical Subcontractor: Bishop Heating & Cooling

Electrical Subcontractor: West Shore Electric

Upon request within ten days after the opening of bids, the undersigned agrees to submit to the Architect a list of other subcontractors and vendors who would be employed on this project by him if he were to be awarded the General Contract.

BIDDERS STATUS

(Check One)

_____ Individual _____ Partnership ☒ _____ Corp.

SIGNED:

Roman & Gumen

Mustagon Quality Builders, Inc.
Contractor

BY Thomas A. Gumen

POSITION President

ADDRESS 2837 Peck Street

Mustagon, MI 49444

*If Partnership, state full names of Partners here:

Disadvantaged Contractor Affidavit

Please provide the name(s) of all Disadvantaged Subcontractors from whom you solicited bids for this project and additional information below.

Disadvantaged Contractor	Contact Person	Contact Method/Date	Decision (yes or no)
1. <i>Dimensions Air Painting</i>	<i>Mike Lawie</i>	<i>Phone 2-15-07</i>	<i>yes</i>
2. <i>Rich & Howell Plumbing</i>	<i>Mike Harnak</i>	<i>Phone 2-15-07</i>	<i>No</i>
3.			
4.			
5.			

Of the Disadvantaged Contractors listed above, please indicate why they will not be used on this project.

Disadvantaged Contractor:	Decision/ Reason
1. <i>Rich & Howell</i>	<i>Not Low Bid</i>
2.	
3.	
4.	
5.	

CITY COMMISSION MEETING
Tuesday, March 13, 2007

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: March 5, 2007

SUBJECT: Contract Agreement-Lockers-The Casper Corporation

SUMMARY OF REQUEST:

The Director of Public Safety requests that the Commission consider the attached bid for lockers for the women's locker room in the police department. The bid was submitted by The Casper Corporation of Kalamazoo, Michigan. This request is being made in conjunction with the proposed bid award for the expansion of the same locker room.

Due to the layout of the locker room, The Casper Corporation is the only vendor who could provide the style of locker (built-in locking storage and bench) that will function in conjunction with the design. Cost for the lockers as proposed by Casper is \$16,036.00.

FINANCIAL IMPACT:

A portion of the locker costs will be paid for by the capital improvement funds designated for this project. The remaining costs (approximately \$9,000) need to be funded.

BUDGET ACTION REQUIRED:

Appropriation from the contingency fund.

STAFF RECOMMENDATION:

Approval of this request.



THE CASPER CORPORATION

A SYSTEM COMPANY

THE CASPER CORPORATION

533 Grand Pre Avenue

Kalamazoo, MI 49006

Tel: 269-344-7588 Ext. 40

Fax: 269-344-5221

www.caspercorp.com

"Serving Michigan for over 35 years"

March 5, 2007 (Revised from May, 2006)

Anthony Kleibecker
Director of Public Safety
City of Muskegon
Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

Dear Anthony:

Re: DSM Personnel Duty Lockers w/Bench Drawer

Following is the pricing and ordering information you requested on DSM Personal Duty Lockers.

Women's Locker Room (Ceiling is 7 feet 5 inches)

14 each PDLF-24-66-B, **Flat Top** – Interior B – w/Bench Drawer 66" high x 24" wide x 24" deep.
Personnel Duty Locker with Bench Drawer 18" High (will fit duty bags) 24" wide x 24" deep.

Total Locker Height for Flat Top: 84" high (7 feet)

Lockers to include:

- Drawer comes with lock.
- Locker Door has recessed DSM Liftlatch System with 3-point engagement and pad lock hasp.
- Finished in high quality powder coat paint.
- Lifetime warranty of the frame
- 5 year limited warranty on moving parts.
- Butcher Block Bench Seats are manufactured from 1.25 thick maple wood strips with a 2 part lacquer finish.
- To reduce the amount of unwanted seams in the wood seating area, DSM now ships maple hardwood seating loose in larger sections for installation by The Casper Corporation. We will provide as many 72" sections as possible and use shorter sections to make up the difference on a given locker bank length.

Total Materials	\$14,128.00
Shipping and Handling	1,058.00
Installation	850.00

Total Cost	\$16,036.00
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DELIVERY, TERMS AND CONDITIONS

- **FREIGHT:** All products will be shipped directly to The Casper Corporation warehouse facility, inspected, and staged for re-delivery. All freight and associated handling and re-delivery fees are included in the "freight, handling, and installation" charges shown in our proposal.
- **INSTALLATION:** Installation services will be provided by certified Casper Corporation non-union installation crews during normal business hours, Monday thru Friday (8:00 a.m.-5:00 p.m.). Union and/or non-standard installation hours available upon request at additional charges.
- **TERMS:** Terms of sale are "due upon receipt" of the invoice. In the event that the installation site is not ready for installation upon equipment arrival, a partial invoice (installation excluded) will be provided. A separate invoice for installation will follow upon project completion. Note: if the project is performed in phases or segments, then invoices will be issued accordingly. A minimum deposit of 1/3 of the product cost is due at the time of order.
- **DELIVERY:** Lead time/delivery will be 6-8 weeks from receipt of order. Any delays in the delivery and installation of the product that are initiated by the customer do not change the terms of payment. Ownership of the product transfers to the customer at the time of delivery to customer site or Casper warehouse facility, and all arrangements for storage and security, as well as any associated costs, become the responsibility of the customer (see Storage below)
- **STORAGE:** All products listed include a storage fee up to 1 month. Provided project delays occur past the allowed amount of time there will be an additional storage charge applied to the final invoice.
- **WARRANTY:** 5 years for materials and labor.
- **TAXES:** Pricing does not include Michigan Sales Tax. Sales Tax will be added to invoice if applicable. Tax-exempt customers must provide The Casper Corporation a current Tax-exempt certificate at the time of the order.
- **RETURN OF GOODS:** Any merchandise to be returned must be approved in advance by The Casper Corporation and must have a returned goods authorization number (RGA #) displayed prominently on all containers. Any merchandise to be returned must be in its' original container/carton, and is subject to a 25% restocking fee. The customer is responsible for any additional freight and handling charges for the returned merchandise. Special order or custom-made items are not returnable.
- **ORDER CANCELLATION:** Contact The Casper Corporation immediately if it becomes necessary to cancel an order. Any canceled order is subject to a cancellation fee. Cancellation charges will be based on the costs incurred, if any by The Casper Corporation on behalf of the customer (materials, labor, admin.). Any cancellation fees assessed to The Casper Corporation by its' supplier will be passed on to the customer. The Casper Corporation will provide a detailed listing of all costs incurred.

Thank you for the opportunity to submit this proposal. We look forward to working with you on your filing and storage needs and providing you with the highest quality equipment and service in this industry. If you have any questions, please contact me at (269) 344-7588 Ext. 40

Sincerely,

Kitty Flatland
Account Executive
The Casper Corporation

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Public Works
RE: Nested Stormwater Agreements

SUMMARY OF REQUEST:

To approve the attached Interagency Agreements with Muskegon Public Schools, Muskegon Community College and Muskegon Area Intermediate School District for coverage under the City of Muskegon's Phase II NPDES Permit to discharge stormwater and to approve the attached resolution authorizing the Mayor and City Clerk to sign these Agreements.

FINANCIAL IMPACT:

Under these Agreements, the named school districts, all located within the City's jurisdiction, agree to participate in compliance with the Permit and to reimburse the City for a percentage of the routine costs associated with the City's compliance with the Permit.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

That the attached Agreements and resolution be approved.

COMMITTEE RECOMMENDATION:

PARMENTER O'TOOLE

Attorneys at Law

 **COPY**
C. R. Fountain

601 Terrace Street ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

March 19, 2007

Mr. Gary Britton
Britton & Bossenbroek PLC
900 Third Street
PO Box 957
Muskegon, MI 49443-0957

RECEIVED

MAR 20 2007

MUSKEGON
CITY MANAGER'S OFFICE

**Re: (3) Inter-Agency Agreement/s for Coverage under the
City of Muskegon's Phase II NPDES Permit**

Dear Mr. Britton:

With regard to the above referenced matter, enclosed is one original, fully executed, copy of each of the following Inter-Agency Agreements, dated March 13, 2007:

1. School District of the Public Schools of the City of Muskegon;
2. Muskegon Area Intermediate School District; and
3. Muskegon Community College.

The second complete set of original, fully executed, Agreements have been mailed today to Bryon Mazade, City Manager. I have retained a copy of each fully executed Agreement in my file.

Please contact me if you have any questions.

Sincerely yours,



Keith L. McEvoy

Direct: 231.722.5413

Fax 231.722.5413

Internet Address: klm@Parmenterlaw.com

Enclosures

cc: Bryon Mazade

RESOLUTION 2007-23(i)

RESOLUTION FOR APPROVAL OF INTERAGENCY AGREEMENTS BETWEEN THE MUSKEGON PUBLIC SCHOOLS, MUSKEGON COMMUNITY COLLEGE AND MUSKEGON AREA INTERMEDIATE SCHOOL DISTRICT AND THE CITY OF MUSKEGON FOR COVERAGE UNDER THE CITY OF MUSKEGON'S PHASE II NPDES PERMIT FOR STORMWATER DISCHARGE AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK ANN MARIE BECKER TO EXECUTE SAID CONTRACT

Moved by Vice Mayor Gawron and supported by

Commissioner Carter that the following Resolution be adopted:

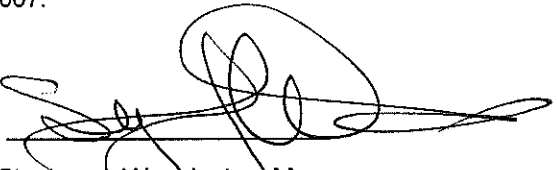
WHEREAS, the above named public school districts, located in the City's jurisdiction, desire coverage under the City's NPDES permit for stormwater discharge,

AND WHEREAS, the respective school boards have signed an Interagency Agreement to share costs and cooperate in compliance requirements for the Permit, this is in the best interests of the City of Muskegon.

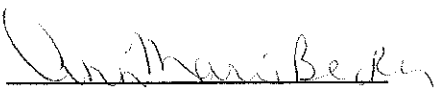
RESOLVED, that entry by the City into these Interagency Agreements is hereby authorized and approved and the Mayor and Clerk are authorized to execute said Agreements for and on behalf of the City of Muskegon.

Adopted this 13th day of March, 2007.

BY


Stephen J. Warmington, Mayor

ATTEST

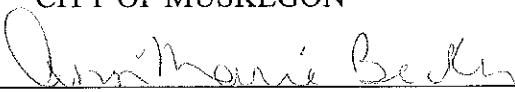


Ann Marie Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on March 13, 2007. 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 
Ann Marie Becker, City Clerk

**Inter-Agency Agreement
For Coverage under the City Of Muskegon's
Phase II NPDES Permit**

THIS AGREEMENT is made and entered into as of the 13 day of March, 2007, by the **City of Muskegon**, a Michigan municipal corporation (the "City") and the **School District of the Public Schools of the City of Muskegon**, a Michigan general powers school district operating under the provisions of the Revised School Code, MCL 380.1, et seq., as amended (the "District").

IT IS AGREED THAT:

The City and the District's School Facilities are subject to the requirements of the Phase II Storm Water Regulations (the "Phase II Regulations"), 33 USC 1251, et seq., published by the United States Environmental Protection Agency ("EPA") in the Federal Register on December 8, 1999; and

The Phase I Regulations of the existing National Pollutant Discharge Elimination System (NPDES) storm water program were published in the Federal Register on November 16, 1990 and the Phase II Regulation expands the existing program to address storm water discharges from small public separate storm drainage systems and construction sites that disturb one to five acres. The City is subject to Phase II because it is specifically identified in the list of "Incorporated Places and Counties Proposed to be Automatically Designated under the Storm Water Phase II Proposed Rule". For purposes of this specific Agreement only, the District's School Facilities are regulated as it is a public facility with separate storm drainage that lies within an urbanized area and the facility's separate storm drainage meets the concept of a "system" as described in the Federal regulation and as interpreted by the Michigan Department of Environmental Quality ("MDEQ"), and the District by its participation in this Agreement does not in any way waive its right to claim that it is not regulated under the cited state and federal legislation in whatever forum may be appropriate; and

The City obtained coverage under the National Pollutant Discharge Elimination System Wastewater Discharge General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) subject to Watershed Plan Requirements (MIG619000) pursuant to Certificate of Coverage ("COC") MIG610152 (collectively the "General Permit"). The City will submit an addendum (or modification) to their General Permit to seek approval from MDEQ to cover the District's Facilities which lie in the jurisdictional limits of the City (hereinafter the "District's School Facilities") under the City's General Permit as allowed in Part I, Section A.2. of the General Permit; and

The Phase II Regulations and the General Permit impose certain requirements on the City and District that must be satisfied; and

The Muskegon City Commission has authorized the City to provide coverage for District's School Facilities under the General Permit as described herein to enable the District's School Facilities to comply with the requirements of the Phase II Regulations, the General Permit and to engage in other storm water management activities related thereto in cooperation with the City; and

The City and the District agreed to cooperate and actively participate in the activities necessary to enable the City and the District's School Facilities to comply with the Phase II Regulations and the General Permit; and the City and the District are authorized to enter into an Agreement for a term up to but not beyond the expiration date of the City's Certificate of Coverage under the General Permit OR April 1, 2008; and

This agreement is necessary for the District's School Facilities to receive coverage under the City's General Permit.

THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

General Permit Compliance

The City agrees to:

1. Seek approval from MDEQ to allow the District's School Facilities to be covered under its General Permit. Failure to obtain approval is not a breach of this Agreement.
2. Provide reasonable access to all non-privileged and relevant correspondence and records related to the General Permit to the District.
3. Comply with requirements of the General Permit.
4. Participate in watershed planning efforts as a member of the Muskegon Municipal Area Storm Water Committee, ("MMASWC").
5. Engage such consultants, assistants, attorneys, employees, and resources as the City determines may be necessary to provide the services necessary to maintain compliance with the General Permit with costs shared between the City and the District.

The District at its sole cost and expense agrees to:

1. Provide information including drawings, plans, reviews, reports, and notices of problems/spills/violations necessary for the MDEQ to approve the District's School Facilities coverage under the General Permit and to assist the City to maintain compliance with the General Permit.
2. Provide a written description of the Best Management Practices (BMPs) it uses to achieve the assigned action items and goals of the Watershed Management Plan (WMP) and Storm Water Pollution Prevention Initiative (SWPPI) and the measures used to determine success for the District's School Facilities.
3. Name a Storm Water Management contact person who has knowledge of Phase II storm water regulations the City's General Permit and this Agreement, who will be responsible for the District's School Facilities compliance and who will serve as a liaison to the City.
4. Comply with and provide to the City, documentation of compliance with the General Permit, the minimum measures, the WMP and SWPPI, and with this Agreement.
5. Participate in watershed planning and implementation activities.
6. Pay the cost of its compliance.
7. Notify the City *before* any changes are made to District's School Facilities.

Illicit Discharge Elimination Plan (IDEP)

The City agrees to:

1. Update its approved IDEP as submitted to the MDEQ as required in the General Permit.

The District at its sole cost and expense agrees to:

1. Provide information on the separate storm conveyances and on-site sewage disposal systems (OSDS) at the District's School Facilities for the update of the IDEP.
2. Comply with City ordinances as they relate to the approved IDEP.
3. Comply with the approved IDEP.
4. Develop policies and procedures that parallel City ordinance on illicit connections and discharges that will allow the District's School Facilities to implement the approved IDEP.
5. Obtain training for the District's School Facilities staff to allow them to implement the approved IDEP on the District's School Facilities property.
6. Implement the approved IDEP on the District's School Facilities property and provide records of efforts, including location and number of observations, sample analysis and detailed information on illicit connections and discharges that were discovered.
7. Provide a written description to the City of the BMPs used to achieve goals and assignments of the IDEP and the measures used to determine success.
8. Respond or take any other appropriate action to any complaints received regarding storm water at the District's School Facilities and inform the City of the details of the complaint and its resolution.

Public Education Plan (PEP)

The City agrees to:

1. Update the approved PEP as submitted to the MDEQ in compliance with the General Permit.
2. Implement the approved PEP in conjunction with the District's School Facilities and include the District in education efforts and activities as appropriate.

The District at its sole cost and expense agrees to:

1. Participate in PEP development and cooperate in implementation.
2. Provide a written description of the BMPs used to achieve goals and assignments of the PEP and the measures used to determine success.

6. The parties, as required by law, shall not discriminate against a person to be served, an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges or employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individuals ability to perform the duties of a particular job or position, height, weight, marital status, political affiliation or beliefs.

7. In the event that either party claims that the other breached a provision of this Agreement, which breach has resulted in monetary damages, both parties must first attempt to resolve the dispute through alternative dispute resolution prior to instituting litigation. This section does not apply to claims solely for equitable relief.

8. Nothing in this Agreement shall be construed as a waiver of governmental immunity by either party.

9. The parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- a. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- b. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.
- c. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat 394, as amended, and promulgated thereunder
- d. The Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat 328 (42 USCA S12101 et seq), as amended, and regulations promulgated thereunder.

10. Unless otherwise specified, all notices, statements, bills or other documents required or permitted under this Agreement must be in writing and may be served in person or by certified or regular mail to the designated representative at the addresses indicated below:

School District of the Public Schools of the City of Muskegon
Attn: Reverend Charles Poole, President, Board of Education
1336 East Forest Avenue
Muskegon, MI 49442

**INTER-AGENCY AGREEMENT
FOR COVERAGE UNDER THE PHASE II PERMIT**

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed and delivered by their respective duly authorized officers, all as of the day and year first above written.

Witnesseth:

Linda R. Austin
Colin Anthony

**School District of the Public Schools of the
City of Muskegon**

By: Charles W. Poole
Reverend Charles Poole

Its: President, Board of Education

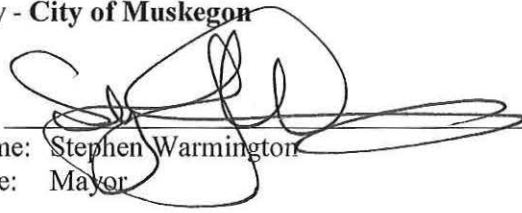
**INTER-AGENCY AGREEMENT
FOR COVERAGE UNDER THE PHASE II PERMIT**

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed and delivered by their respective duly authorized officers, all as of the day and year first above written.

Witnesseth:

Irene Dempsey
Irene Dempsey

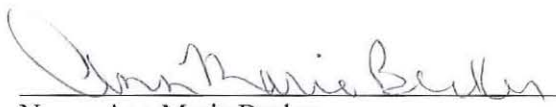
City - **City of Muskegon**

By: 
Name: Stephen Warmington
Title: Mayor

Witnesseth:

Linda Potter
Linda Potter

Attest:


Name: Ann Marie Becker
Title: Clerk

**Inter-Agency Agreement
For Coverage under the City Of Muskegon's
Phase II NPDES Permit**

THIS AGREEMENT is made and entered into as of the 13 day of March, 2007, by the **City of Muskegon**, a Michigan municipal corporation (the "City") and the **Muskegon Area Intermediate School District**, a Michigan general powers school district operating under the provisions of the Revised School Code, MCL 380.1, et seq., as amended (the "MAISD").

IT IS AGREED THAT:

The City and the MAISD's School Facilities are subject to the requirements of the Phase II Storm Water Regulations (the "Phase II Regulations"), 33 USC 1251, et seq., published by the United States Environmental Protection Agency ("EPA") in the Federal Register on December 8, 1999; and

The Phase I Regulations of the existing National Pollutant Discharge Elimination System (NPDES) storm water program were published in the Federal Register on November 16, 1990 and the Phase II Regulation expands the existing program to address storm water discharges from small public separate storm drainage systems and construction sites that disturb one to five acres. The City is subject to Phase II because it is specifically identified in the list of "Incorporated Places and Counties Proposed to be Automatically Designated under the Storm Water Phase II Proposed Rule". For purposes of this specific Agreement only, the MAISD's School Facilities are regulated as it is a public facility with separate storm drainage that lies within an urbanized area and the facility's separate storm drainage meets the concept of a "system" as described in the Federal regulation and as interpreted by the Michigan Department of Environmental Quality ("MDEQ"), and the MAISD by its participation in this Agreement does not in any way waive its right to claim that it is not regulated under the cited state and federal legislation in whatever forum may be appropriate; and

The City obtained coverage under the National Pollutant Discharge Elimination System Wastewater Discharge General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) subject to Watershed Plan Requirements (MIG619000) pursuant to Certificate of Coverage ("COC") MIG610152 (collectively the "General Permit"). The City will submit an addendum (or modification) to their General Permit to seek approval from MDEQ to cover the MAISD's Facilities which lie in the jurisdictional limits of the City (hereinafter the "MAISD's School Facilities") under the City's General Permit as allowed in Part I, Section A.2. of the General Permit; and

The Phase II Regulations and the General Permit impose certain requirements on the City and MAISD that must be satisfied; and

The Muskegon City Commission has authorized the City to provide coverage for MAISD's School Facilities under the General Permit as described herein to enable the MAISD's School Facilities to comply with the requirements of the Phase II Regulations, the General Permit and to engage in other storm water management activities related thereto in cooperation with the City; and

The City and the MAISD agreed to cooperate and actively participate in the activities necessary to enable the City and the MAISD's School Facilities to comply with the Phase II Regulations and the General Permit; and the City and the MAISD are authorized to enter into an Agreement for a term up to but not beyond the expiration date of the City's Certificate of Coverage under the General Permit OR April 1, 2008; and

This agreement is necessary for the MAISD's School Facilities to receive coverage under the City's General Permit.

THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

General Permit Compliance

The City agrees to:

1. Seek approval from MDEQ to allow the MAISD's School Facilities to be covered under its General Permit. Failure to obtain approval is not a breach of this Agreement.
2. Provide reasonable access to all non-privileged and relevant correspondence and records related to the General Permit to the MAISD.
3. Comply with requirements of the General Permit.
4. Participate in watershed planning efforts as a member of the Muskegon Municipal Area Storm Water Committee, ("MMASWC").
5. Engage such consultants, assistants, attorneys, employees, and resources as the City determines may be necessary to provide the services necessary to maintain compliance with the General Permit with costs shared between the City and the MAISD.

The MAISD at its sole cost and expense agrees to:

1. Provide information including drawings, plans, reviews, reports, and notices of problems/spills/violations necessary for the MDEQ to approve the MAISD's School Facilities coverage under the General Permit and to assist the City to maintain compliance with the General Permit.
2. Provide a written description of the Best Management Practices (BMPs) it uses to achieve the assigned action items and goals of the Watershed Management Plan (WMP) and Storm Water Pollution Prevention Initiative (SWPPI) and the measures used to determine success for the MAISD's School Facilities.
3. Name a Storm Water Management contact person who has knowledge of Phase II storm water regulations the City's General Permit and this Agreement, who will be responsible for the MAISD's School Facilities compliance and who will serve as a liaison to the City.
4. Comply with and provide to the City, documentation of compliance with the General Permit, the minimum measures, the WMP and SWPPI, and with this Agreement.
5. Participate in watershed planning and implementation activities.
6. Pay the cost of its compliance.
7. Notify the City *before* any changes are made to MAISD's School Facilities.

Illicit Discharge Elimination Plan (IDEP)

The City agrees to:

1. Update its approved IDEP as submitted to the MDEQ as required in the General Permit.

The MAISD at its sole cost and expense agrees to:

1. Provide information on the separate storm conveyances and on-site sewage disposal systems (OSDS) at the MAISD's School Facilities for the update of the IDEP.
2. Comply with City ordinances as they relate to the approved IDEP.
3. Comply with the approved IDEP.
4. Develop policies and procedures that parallel City ordinance on illicit connections and discharges that will allow the MAISD's School Facilities to implement the approved IDEP.
5. Obtain training for the MAISD's School Facilities staff to allow them to implement the approved IDEP on the MAISD's School Facilities property.
6. Implement the approved IDEP on the MAISD's School Facilities property and provide records of efforts, including location and number of observations, sample analysis and detailed information on illicit connections and discharges that were discovered.
7. Provide a written description to the City of the BMPs used to achieve goals and assignments of the IDEP and the measures used to determine success.
8. Respond or take any other appropriate action to any complaints received regarding storm water at the MAISD's School Facilities and inform the City of the details of the complaint and its resolution.

Public Education Plan (PEP)

The City agrees to:

1. Update the approved PEP as submitted to the MDEQ in compliance with the General Permit.
2. Implement the approved PEP in conjunction with the MAISD's School Facilities and include the MAISD in education efforts and activities as appropriate.

The MAISD at its sole cost and expense agrees to:

1. Participate in PEP development and cooperate in implementation.
2. Provide a written description of the BMPs used to achieve goals and assignments of the PEP and the measures used to determine success.

Public Participation Plan (PPP)

The City agrees to:

1. Participate in development of PPP and jointly submit the PPP to the MDEQ as required in the General Permit.
2. Implement the approved plan with the MAISD's assistance.

The MAISD at its sole cost and expense agrees to:

1. Assist the City in its efforts to involve the public, including MAISD's School Facilities staff and students in the planning and implementation of storm water management.
2. Provide a written description of the BMPs used to achieve goals and assignments of the PPP and the measures used to determine success.

Construction Storm Water Runoff Control and Post-Construction Storm Water Management

The City agrees to:

1. Develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects as required in the General Permit.

The MAISD at its sole cost and expense agrees to:

1. Comply with storm water ordinances or other mechanisms the City may develop to implement the program.
2. Provide training to the MAISD's School Facilities staff on construction and post-construction site storm water runoff control and the use of approved BMP's.
3. Provide construction plans to the City that document the use of approved BMP's to control runoff.
4. Respond to any complaints received regarding storm water runoff control at any of the MAISD's School Facilities and inform the City of the details of the complaints and their resolution.
5. Provide a written description to the City of the BMP's used to achieve goals and assignments of the plans and the measure used to determine success.

Good Housekeeping and Pollution Prevention for Municipal Facilities

The City agrees to:

1. Comply with goals and BMP's as defined in the approved SWPPI in compliance with the General Permit.

The MAISD at its sole cost and expense agrees to:

1. Provide training to the MAISD's School Facilities staff on pollution prevention, good housekeeping and the approved SWPPI.
2. Implement the approved SWPPI.
3. Provide a written description of the BMPs used to achieve goals and assignments of the SWPPI and the measures used to determine success.

COST SHARE

The City agrees to:

1. Perform all functions necessary to comply with the General Permit as described in this Agreement and bill the MAISD at a rate of three (3) % of the City's total cost of implementation of the General Permit.

The MAISD agrees to:

1. Pay the City three (3) % of the cost of the City's compliance with the General Permit including: annual permit application renewal and reporting costs, the City's annual cost as a participant in MMASWC and direct costs in achieving compliance with the City's IDEP. These costs include the City's share of consultant fees as defined by contract with MMASWC and the City's share of the PEP. The MAISD will pay promptly upon receipt of an invoice for the same from the City, but no later than thirty (30) days after receipt.

General Agreement

1. This Agreement shall apply only to the MAISD's School Facilities and shall provide no jurisdiction to the City over the MAISD with regards to any other facility owned or operated by the MAISD located within the City.
2. In the event that any one or more of the provisions of this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable the balance of this Agreement shall remain in effect.
3. The Agreement shall become effective after approval by the governing bodies of the City and the MAISD and execution by the authorized officials of the parties; shall terminate on the expiration date of the General Permit Certificate of Coverage or April 1, 2008 unless extended by the parties in writing.
4. The Agreement may also be terminated before April 1, 2008 by any party with a thirty (30) day written notice. The City will notify the MDEQ in writing of the termination.
5. Modifications, amendments or waivers of any provisions of this Agreement may be made only by the written mutual consent of the parties.

6. The parties, as required by law, shall not discriminate against a person to be served, an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges or employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individuals ability to perform the duties of a particular job or position, height, weight, marital status, political affiliation or beliefs.

7. In the event that either party claims that the other breached a provision of this Agreement, which breach has resulted in monetary damages, both parties must first attempt to resolve the dispute through alternative dispute resolution prior to instituting litigation. This section does not apply to claims solely for equitable relief.

8. Nothing in this Agreement shall be construed as a waiver of governmental immunity by either party.

9. The parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- a. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- b. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.
- c. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat 394, as amended, and promulgated thereunder
- d. The Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat 328 (42 USCA §12101 et seq), as amended, and regulations promulgated thereunder.

10. Unless otherwise specified, all notices, statements, bills or other documents required or permitted under this Agreement must be in writing and may be served in person or by certified or regular mail to the designated representative at the addresses indicated below:

Muskegon Area Intermediate School District

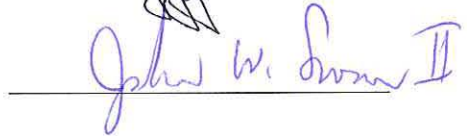
Attn: Robert Jacobs, President of the Board of Education
630 Harvey Street
Muskegon, MI 49442

**INTER-AGENCY AGREEMENT
FOR COVERAGE UNDER THE PHASE II PERMIT**

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed and delivered by their respective duly authorized officers, all as of the day and year first above written.

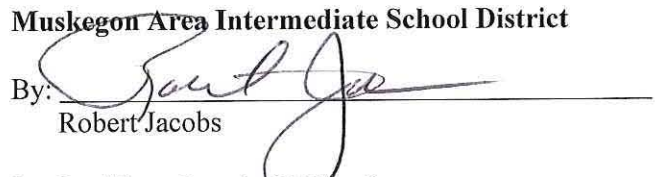
Witnesseth:





Muskegon Area Intermediate School District

By:


Robert Jacobs

Its: President, Board of Education

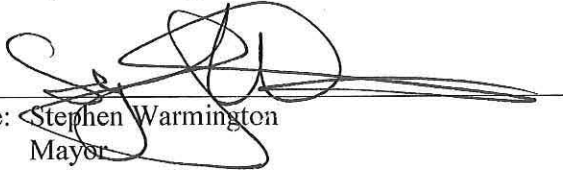
**INTER-AGENCY AGREEMENT
FOR COVERAGE UNDER THE PHASE II PERMIT**

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed and delivered by their respective duly authorized officers, all as of the day and year first above written.

Witnesseth:

City - **City of Muskegon**

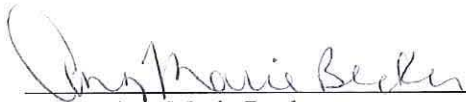
Irene Dempsey
Irene Dempsey

By: 
Name: Stephen Warmington
Title: Mayer

Witnesseth:

Attest:

Linda Potter
Linda Potter


Name: Ann Marie Becker
Title: Clerk

**Inter-Agency Agreement
For Coverage under the City Of Muskegon's
Phase II NPDES Permit**

THIS AGREEMENT is made and entered into as of the 13 day of March, 2007, by the **City of Muskegon**, a Michigan municipal corporation (the "City") and **Muskegon Community College**, a Michigan general powers school district operating under the provisions of the Revised School Code, MCL 380.1, et seq., as amended ("MCC").

IT IS AGREED THAT:

The City and MCC's School Facilities are subject to the requirements of the Phase II Storm Water Regulations (the "Phase II Regulations"), 33 USC 1251, et seq., published by the United States Environmental Protection Agency ("EPA") in the Federal Register on December 8, 1999; and

The Phase I Regulations of the existing National Pollutant Discharge Elimination System (NPDES) storm water program were published in the Federal Register on November 16, 1990 and the Phase II Regulation expands the existing program to address storm water discharges from small public separate storm drainage systems and construction sites that disturb one to five acres. The City is subject to Phase II because it is specifically identified in the list of "Incorporated Places and Counties Proposed to be Automatically Designated under the Storm Water Phase II Proposed Rule". For purposes of this specific Agreement only, MCC's School Facilities are regulated as it is a public facility with separate storm drainage that lies within an urbanized area and the facility's separate storm drainage meets the concept of a "system" as described in the Federal regulation and as interpreted by the Michigan Department of Environmental Quality ("MDEQ"), and MCC by its participation in this Agreement does not in any way waive its right to claim that it is not regulated under the cited state and federal legislation in whatever forum may be appropriate; and

The City obtained coverage under the National Pollutant Discharge Elimination System Wastewater Discharge General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) subject to Watershed Plan Requirements (MIG619000) pursuant to Certificate of Coverage ("COC") MIG610152 (collectively the "General Permit"). The City will submit an addendum (or modification) to their General Permit to seek approval from MDEQ to cover MCC's Facilities which lie in the jurisdictional limits of the City (hereinafter "MCC's School Facilities") under the City's General Permit as allowed in Part I, Section A.2. of the General Permit; and

The Phase II Regulations and the General Permit impose certain requirements on the City and MCC that must be satisfied; and

The Muskegon City Commission has authorized the City to provide coverage for MCC's School Facilities under the General Permit as described herein to enable MCC's School Facilities to comply with the requirements of the Phase II Regulations, the General Permit and to engage in other storm water management activities related thereto in cooperation with the City; and

The City and MCC agreed to cooperate and actively participate in the activities necessary to enable the City and MCC's School Facilities to comply with the Phase II Regulations and the General Permit; and the City and MCC are authorized to enter into an Agreement for a term up to but not beyond the expiration date of the City's Certificate of Coverage under the General Permit OR April 1, 2008; and

This agreement is necessary for MCC's School Facilities to receive coverage under the City's General Permit.

THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

General Permit Compliance

The City agrees to:

1. Seek approval from MDEQ to allow MCC's School Facilities to be covered under its General Permit. Failure to obtain approval is not a breach of this Agreement.
2. Provide reasonable access to all non-privileged and relevant correspondence and records related to the General Permit to MCC.
3. Comply with requirements of the General Permit.
4. Participate in watershed planning efforts as a member of the Muskegon Municipal Area Storm Water Committee, ("MMASWC").
5. Engage such consultants, assistants, attorneys, employees, and resources as the City determines may be necessary to provide the services necessary to maintain compliance with the General Permit with costs shared between the City and MCC.

MCC at its sole cost and expense agrees to:

1. Provide information including drawings, plans, reviews, reports, and notices of problems/spills/violations necessary for the MDEQ to approve MCC's School Facilities coverage under the General Permit and to assist the City to maintain compliance with the General Permit.
2. Provide a written description of the Best Management Practices (BMPs) it uses to achieve the assigned action items and goals of the Watershed Management Plan (WMP) and Storm Water Pollution Prevention Initiative (SWPPI) and the measures used to determine success for MCC's School Facilities.
3. Name a Storm Water Management contact person who has knowledge of Phase II storm water regulations the City's General Permit and this Agreement, who will be responsible for MCC's School Facilities compliance and who will serve as a liaison to the City.
4. Comply with and provide to the City, documentation of compliance with the General Permit, the minimum measures, the WMP and SWPPI, and with this Agreement.
5. Participate in watershed planning and implementation activities.
6. Pay the cost of its compliance.
7. Notify the City *before* any changes are made to MCC's School Facilities.

Illicit Discharge Elimination Plan (IDEP)

The City agrees to:

1. Update its approved IDEP as submitted to the MDEQ as required in the General Permit.

MCC at its sole cost and expense agrees to:

1. Provide information on the separate storm conveyances and on-site sewage disposal systems (OSDS) at MCC's School Facilities for the update of the IDEP.
2. Comply with City ordinances as they relate to the approved IDEP.
3. Comply with the approved IDEP.
4. Develop policies and procedures that parallel City ordinance on illicit connections and discharges that will allow MCC's School Facilities to implement the approved IDEP.
5. Obtain training for MCC's School Facilities staff to allow them to implement the approved IDEP on the MCC's School Facilities property.
6. Implement the approved IDEP on MCC's School Facilities property and provide records of efforts, including location and number of observations, sample analysis and detailed information on illicit connections and discharges that were discovered.
7. Provide a written description to the City of the BMPs used to achieve goals and assignments of the IDEP and the measures used to determine success.
8. Respond or take any other appropriate action to any complaints received regarding storm water at MCC's School Facilities and inform the City of the details of the complaint and its resolution.

Public Education Plan (PEP)

The City agrees to:

1. Update the approved PEP as submitted to the MDEQ in compliance with the General Permit.
2. Implement the approved PEP in conjunction with MCC's School Facilities and include MCC in education efforts and activities as appropriate.

The MCC at its sole cost and expense agrees to:

1. Participate in PEP development and cooperate in implementation.
2. Provide a written description of the BMPs used to achieve goals and assignments of the PEP and the measures used to determine success.

Public Participation Plan (PPP)

The City agrees to:

1. Participate in development of PPP and jointly submit the PPP to the MDEQ as required in the General Permit.
2. Implement the approved plan with MCC's assistance.

MCC at its sole cost and expense agrees to:

1. Assist the City in its efforts to involve the public, including MCC's School Facilities staff and students in the planning and implementation of storm water management.
2. Provide a written description of the BMPs used to achieve goals and assignments of the PPP and the measures used to determine success.

Construction Storm Water Runoff Control and Post-Construction Storm Water Management

The City agrees to:

1. Develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects as required in the General Permit.

MCC at its sole cost and expense agrees to:

1. Comply with storm water ordinances or other mechanisms the City may develop to implement the program.
2. Provide training to the MCC's School Facilities staff on construction and post-construction site storm water runoff control and the use of approved BMP's.
3. Provide construction plans to the City that document the use of approved BMP's to control runoff.
4. Respond to any complaints received regarding storm water runoff control at any of MCC's School Facilities and inform the City of the details of the complaints and their resolution.
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Good Housekeeping and Pollution Prevention for Municipal Facilities

The City agrees to:

1. Comply with goals and BMP's as defined in the approved SWPPI in compliance with the General Permit.

MCC at its sole cost and expense agrees to:

1. Provide training to the MCC's School Facilities staff on pollution prevention, good housekeeping and the approved SWPPI.
2. Implement the approved SWPPI.
3. Provide a written description of the BMPs used to achieve goals and assignments of the SWPPI and the measures used to determine success.

COST SHARE

The City agrees to:

1. Perform all functions necessary to comply with the General Permit as described in this Agreement and bill MCC at a rate of six (6) % of the City's total cost of implementation of the General Permit.

MCC agrees to:

1. Pay the City six (6) % of the cost of the City's compliance with the General Permit including: annual permit application renewal and reporting costs, the City's annual cost as a participant in MMASWC and direct costs in achieving compliance with the City's IDEP. These costs include the City's share of consultant fees as defined by contract with MMASWC and the City's share of the PEP. MCC will pay promptly upon receipt of an invoice for the same from the City, but no later than thirty (30) days after receipt.

General Agreement

1. This Agreement shall apply only to MCC's School Facilities and shall provide no jurisdiction to the City over MCC with regards to any other facility owned or operated by MCC located within the City.
2. In the event that any one or more of the provisions of this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable the balance of this Agreement shall remain in effect.
3. The Agreement shall become effective after approval by the governing bodies of the City and MCC and execution by the authorized officials of the parties; shall terminate on the expiration date of the General Permit Certificate of Coverage or April 1, 2008 unless extended by the parties in writing.
4. The Agreement may also be terminated before April 1, 2008 by any party with a thirty (30) day written notice. The City will notify the MDEQ in writing of the termination.
5. Modifications, amendments or waivers of any provisions of this Agreement may be made only by the written mutual consent of the parties.

6. The parties, as required by law, shall not discriminate against a person to be served, an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges or employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individuals ability to perform the duties of a particular job or position, height, weight, marital status, political affiliation or beliefs.

7. In the event that either party claims that the other breached a provision of this Agreement, which breach has resulted in monetary damages, both parties must first attempt to resolve the dispute through alternative dispute resolution prior to instituting litigation. This section does not apply to claims solely for equitable relief.

8. Nothing in this Agreement shall be construed as a waiver of governmental immunity by either party.

9. The parties shall adhere to all applicable Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- a. The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
- b. The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.
- c. Section 504 of the Federal Rehabilitation Act of 1973, P.L. 93-112, 87 Stat 394, as amended, and promulgated thereunder
- d. The Americans with Disabilities Act of 1990, P.L. 101-336, 104 Stat 328 (42 USCA §12101 et seq), as amended, and regulations promulgated thereunder.

10. Unless otherwise specified, all notices, statements, bills or other documents required or permitted under this Agreement must be in writing and may be served in person or by certified or regular mail to the designated representative at the addresses indicated below:

Muskegon Community College

Attn: Roy Portenga, Chairman of the Board of Trustees
221 S. Quarterline Road
Muskegon, MI 49442

**INTER-AGENCY AGREEMENT
FOR COVERAGE UNDER THE PHASE II PERMIT**

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed and delivered by their respective duly authorized officers, all as of the day and year first above written.

Witnesseth:

Kathy Beachum

Diana B. Allmon

Muskegon Community College

By: _____

Roy Fortenga

Its: Chairman of the Board of Trustees

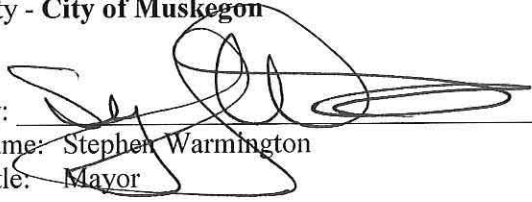
**INTER-AGENCY AGREEMENT
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Witnesseth:

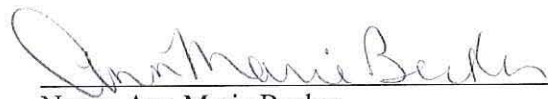
City - **City of Muskegon**

Irene Dempsey
Irene Dempsey

By: 
Name: Stephen Warmington
Title: Mayor

Attest:

Linda Potter
Linda Potter


Name: Ann Marie Becker
Title: Clerk

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
DPW building Modifications

SUMMARY OF REQUEST:

Award a heating system modification at the DPW building to Northside Heating since they were the lowest responsible bidder with a bid price of \$18,705. The scope of work shall consist of replacement of the unit heaters in the stock room area with tube heaters to save over 25% in energy usage and to reconfigure and balance the heat distribution into the offices to cutback on portable heater usage.

FINANCIAL IMPACT:

The construction cost of \$18,705.

BUDGET ACTION REQUIRED:

The 1st quarter forecast will be revised to include this project.

STAFF RECOMMENDATION:

Award the contract to Northside Heating.

COMMITTEE RECOMMENDATION:

Supply Room and Office Heat

I took bids to replace the overhead unit heaters in the Supply room, Northside Heating suggested we will save 28.1 % annually in fuel usage. Estimated gas cost with the unit heaters is \$ 20,420.00 annually. They advise we will save about \$ 5,740.00 over the unit heaters when the proposed Tube Heaters are installed.

The work being done in the office areas is for comfort mostly. A few of the people use electric heaters under their desks, and this should eliminate that. Small electric heaters are very expensive to run. This would also give better air flow to the hallway offices, making it more comfortable in the summer months. Also the there (3) south offices would have there own control.

The bids are as follows.

1. Bowen Heating, 1152 Getty St.- Muskegon. Supply room \$ 12,900.00, The office work is \$ 6,390.00 Total equals -- \$ 19,290.00.
2. Northside Heating, 2175 Riegler Rd. North Muskegon. Supply room \$ 12,838.00, The office work is \$ 5,867.00 Total equals **\$18,705.00**.
3. East Muskegon Roofing, 1665 Holton Rd. Muskegon TWP. Supply room \$23,173.00, The office work is \$14,894.00, Total equals \$ 38,067.00.
4. AirTec, Muskegon. Looked at the job and never submitted a bid.

I recommend to use Northside Heating.

JR Gann
1-23-07

CITY OF MUSKEGON

AGREEMENT FOR SERVICES OR CONSTRUCTION
Small and Limited Projects

THIS IS AN AGREEMENT between the CITY OF MUSKEGON ("City"), 933 Terrace Street, Muskegon, Michigan, and Northside Heating, Cooling & Refrigeration, Inc. ("Contractor"), of Muskegon, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before 4-30, 2007.

Price

Contractor will perform as set forth above for the complete contract price of \$ 18,705.00.

Conditions and Covenants

Contractor will comply with all laws, rules and regulations of the City, and any other local government of the State of Michigan and the United States Government. Contractor will supply insurance as required by separate written document, naming the City as an additional insured, if appropriate, and shall carry such additional insurance coverage's as are required by the City. Contractor shall hold the City harmless against any and all claims for damages or costs made against the City arising from Contractor's performance, including all costs of defense, attorneys' fees, expenses and the amount of any damage determined against the City.

Contractor certifies that it is eligible for performance of government work and has not been cited or listed for failure to comply with Wage and Hour or prevailing wage regulations of the State of Michigan or the Federal Government.

Termination and Cancellation

This contract may be terminated for failure to perform in accordance herewith, and Contractor shall be liable for normal contractual remedies available to the City. In the event liquidated damages for nonperformance are agreed to, the following amounts constitute liquidated damages:

\$ N/A per day of nonperformance.

Nondiscrimination Compliance

Contractor agrees to comply with all nondiscrimination laws, rules and regulations and policies of the City, State and Federal Governments including, but not limited to, the provisions of Executive Order 11246, Affirmative Action Requirements for Disabled Veterans and Veterans of the Viet Nam Era and for Handicapped Workers. If required by the City and appropriate for the services in this contract, Contractor shall comply with City oversight procedures. The provisions of all said policies, rules,

executive orders and laws regarding nondiscrimination and affirmative action are available from the City by contacting the Affirmative Action Director of the City, City Hall, 933 Terrace Street, Muskegon, Michigan, telephone 724-6703. The City may supply a copy with this contract in its discretion.

The parties agree to performance of this contract by signing below. The effective date of this agreement is March 19, 2007.

Witnesses:

Contractor:

By 724

CITY OF MUSKEGON

By J. R. M.

and _____

CITY OF MUSKEGON

Contract Between
City of Muskegon
and
Northside Heating, Cooling & Refrigeration, Inc

STATEMENT OF WORK

See attached sheets

Initials:

Contractor: nd

City: GR
(staff member)

PROPOSAL*Northside***HEATING, COOLING & REFRIGERATION, INC.**2175 Riegler Road
Muskegon, MI 49445
(231) 744-0911
(231) 744-8806

No. _____

Date 12/22/06

Sheet No. _____

Proposal Submitted To: Attn: J.R. GannName City of Muskegon
Street 933 Terrace
City Muskegon
State MI 49440
Phone Fax 724-6028**Work To Be Performed At:**Department of Public Works
Street _____
City _____ State _____
Date of Plans _____
Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Permit, labor and material to install two Omega II 160,000
BTU/HR 60' long radiant tube heaters and two Omega II 160,000
BTU/HR 50' long radiant tube heaters. We will gas pipe, vent,
and run control wiring. We will provide and install two Zone X
thermostats compatible to customers computer set up. Start and
adjust of equipment included along with electrical and roofing.All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars (\$12,838.00).
with payments to be made as follows: 1/2 down, remainder upon completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by _____

Respectfully submitted by Northside Heating, Cooling & Refrigeration, Inc.

Per Jerry L. Roof**Jerry L. Roof**Note—This proposal may be withdrawn by us if not accepted within 30 days.**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date _____ Signature _____

PROPOSAL*Northside***HEATING, COOLING & REFRIGERATION, INC.**2175 Riegler Road
Muskegon, MI 49445
(231) 744-0911
(231) 744-8806

No. _____

Date 12/01/06

Sheet No. _____

Proposal Submitted To: J R GannName City of Muskegon
Street 933 Terrace
City Muskegon
State MI 49440
Phone Cell 730-6256 Fax 724-6028**Work To Be Performed At:**Department of Public Works
Street _____
City _____ State _____
Date of Plans _____
Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Permit, labor and material to replace existing furnace which
conditions locker room with a Guardian 60,000 BTU/HR 90+ efficient
furnace.Price for above \$1,900.00Permit, labor and material to zone three South offices. We will
use existing furnace with air. We will install three new t-stats,
three zone dampers, a zone control board, plenum sensor, and a
Barometric bypass damper.Price for above \$1,720.00Permit, labor and material to zone Directors office, women's
restroom and four offices in hallway. We will use existing furnace
with air. We will install three new t-stats, three zone dampers, a
zone control board, plenum sensor and a Barometric bypass damper.
We will increase four hallway offices duct runs from 6" to 8".
The men's restroom register will be a wild run.Price for above \$2,247.00All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of
Dollars (\$ See above).with payments to be made as follows: Net 30 days upon completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted by Northside Heating, Cooling & Refrigeration, Inc.

OK
Per _____

Jerry L. Roof

Note—This proposal may be withdrawn by us if not accepted
within 30 days.**ACCEPTANCE OF PROPOSAL**The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.
Payment will be made as outlined above.

Signature _____

Date _____ Signature _____

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for an Encroachment Agreement

SUMMARY OF REQUEST:

ESC Consulting Engineers is requesting on behalf of Federal – Mogul Corporation your permission to install two (2) monitoring wells in within the Temple Street's right of way as reflected in the attached application.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None

City of Muskegon
Groundwater Monitoring Well Installation Application and Permit
 (Encroachment Permit Agreement)

Permit Number: <u>2007-23K</u>	Date issued: <u>3/13/07</u>	Permit Fee: <u>100.00</u>	Other:
--------------------------------	-----------------------------	---------------------------	--------

If applicant hires a contractor to perform work, BOTH shall assume responsibility of the Permittee for the provisions of this Application and Permit

APPLICANT - Please Print			CONTRACTOR - Please Print		
Name <u>Federal-Mogul Corporation</u>			Name <u>ESC Consulting Engineers, P.C.</u>		
Street <u>26555 Northwestern Highway</u>			Street <u>300 Corporate Center Dr., Ste. 200</u>		
City <u>Southfield</u>	State <u>MI</u>	Zip <u>48033</u>	City <u>Moon Township</u>	State <u>PA</u>	Zip <u>15108</u>
Phone <u>(248)354-8912</u>	Fax <u>(248)354-9499</u>		Phone <u>(412)604-1040</u>	Fax <u>(412)604-1055</u>	

Permittee proposes to install, repair, or maintain groundwater monitoring well(s) ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace, or other property controlled or owned by the City of Muskegon, as described below (Permittee shall attach a site map to scale which shows each monitoring well location):

Street Name & Address/General Description (legal description may be required): <u>Northbound lane of Temple St.</u>	Location (Cross streets between which property is located or nearest intersection): <u>W. Laketon Ave. & Young Ave.</u>
Project Description/Purpose: <u>Installation of two monitoring wells to determine the downgradient edge of the plume associated with the former Federal-Mogul facility located at 331 W. Laketon Ave.</u>	
Proposed Start Date: <u>March 26, 2007</u>	

Monitoring/Observation Well Information

Drilling Company (if different than Contractor): <u>Rau Drilling Company</u>	Proposed Well Depth (ft.): <u>100</u>	Well name or #: <u>MW-31 and MW-32</u>
Purpose of Monitoring Well Installation: ☐ Part 211/213 Site ☒ Part 201 Site ☐ Part 111 Site ☐ Phase II ESA/ AAI ☐ BEA ☐ Other (specify)		

Applicant/Authorized Agent Signature - If Authorized Agent, I certify that I am acting as Authorized Agent on behalf of named Applicant.

Name: <u>Stephen J. Kretschman</u>	Stephen Kretschman, as agent for <u>Federal-Mogul Corporation</u>
------------------------------------	--

PERMIT

PERMIT AGREEMENT: This permit is made and entered into by and between the City of Muskegon, a municipal corporation (City), and the Permittee (indicated above). Therefore, the City does hereby grant unto Permittee the privilege of constructing, installing, maintaining, repairing, and performing all necessary functions relating to the monitoring well installation (encroachment), and for that purpose to enter the property, for the term herein stated. This permit shall be effective on the date shown above, and shall not occur before the delivery to the City of the required evidence of insurance coverage and bonding information, and only after approval of this permit by the City Commission, at which time the permit shall become effective. The attached Permit Requirements & Conditions are incorporated herein by reference and constitute an integral part of this permit.

This permit is subject to the following special conditions:

Required Bond Amount: \$ _____

Witnesses:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By: Stephen J. Warmington, Mayor

And: Ann Marie Becker, Clerk

APPLICANT: Michael J. Gelles
on behalf of Federal-Mogul

CONTRACTOR: WSP Environmental Strategies

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the wells and any relocation that becomes necessary to facilitate other improvements within the right of way (s).
- 2- If approved (by the City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 3- Insurance: LICENSEE shall at all times, carry liability insurance in such amounts as are satisfactory to the City (attached). The provision for liability insurance set forth shall remain in full force and effect in lieu of any other insurance requirement, provided that the City shall be given thirty days written notice before a change in coverage may occur.
- 4- The City and/or its agent are not responsible for any damage to the facilities.



ESC CONSULTING ENGINEERS, P.C.

300 Corporate Center Drive, Suite 200 • Moon Township, PA 15108 • (412) 604-1040 • Fax (412) 604-1055

February 15, 2007

Mr. Mohammed S. Al-Shatel
Engineer, City of Muskegon
933 Terrace Street
Muskegon, Michigan 49440

Re: Monitoring Well Installation Permit
Federal-Mogul Piston Rings, Muskegon, Michigan

Dear Mr. Al-Shatel:

On behalf of our client, ESC Consulting Engineers has been requested by the Michigan Department of Environmental Quality to install two monitoring wells for the collection of groundwater samples on Temple Street to determine the downgradient edge of the groundwater plume associated with the former Federal-Mogul Piston Rings facility located at 331 West Laketon Avenue. Enclosed are the completed permit application, proposed monitoring well location map, and a check for \$100.00 (check number 1023), made payable to the City of Muskegon.

Drilling activities are scheduled to begin the week of March 26, 2006 and take approximately 8 days to complete. All personnel will wear high visibility clothing and hardhats. Miss Dig will be contacted at least 72 hours prior to drilling activities. Temporary traffic control will be in accordance with the Manual On Uniform Traffic Control Devices, Figure 6H-11, "Lane Closure on Two-Lane Road with Low Traffic Volume" (enclosure). All cuttings and drilling fluids will be drummed and transported to the former Federal-Mogul facility for storage and offsite disposal.

If you should have questions regarding the work to be performed or permit application, please call me at (412) 604-1040.

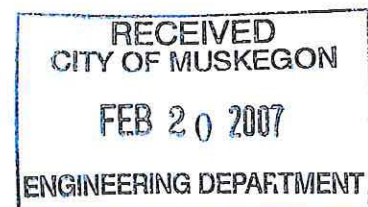
Sincerely,

Stephen Kretschman
Vice President

SJK: EMH:paw

G:\\$Client\Federal-Mogul\138082\Correspondence\2007\Well Permit 021507.doc

Enclosures



DMC Name: 138082-A47
 Drawn By: RZ
 Checked: 02/20/07
 Approved:

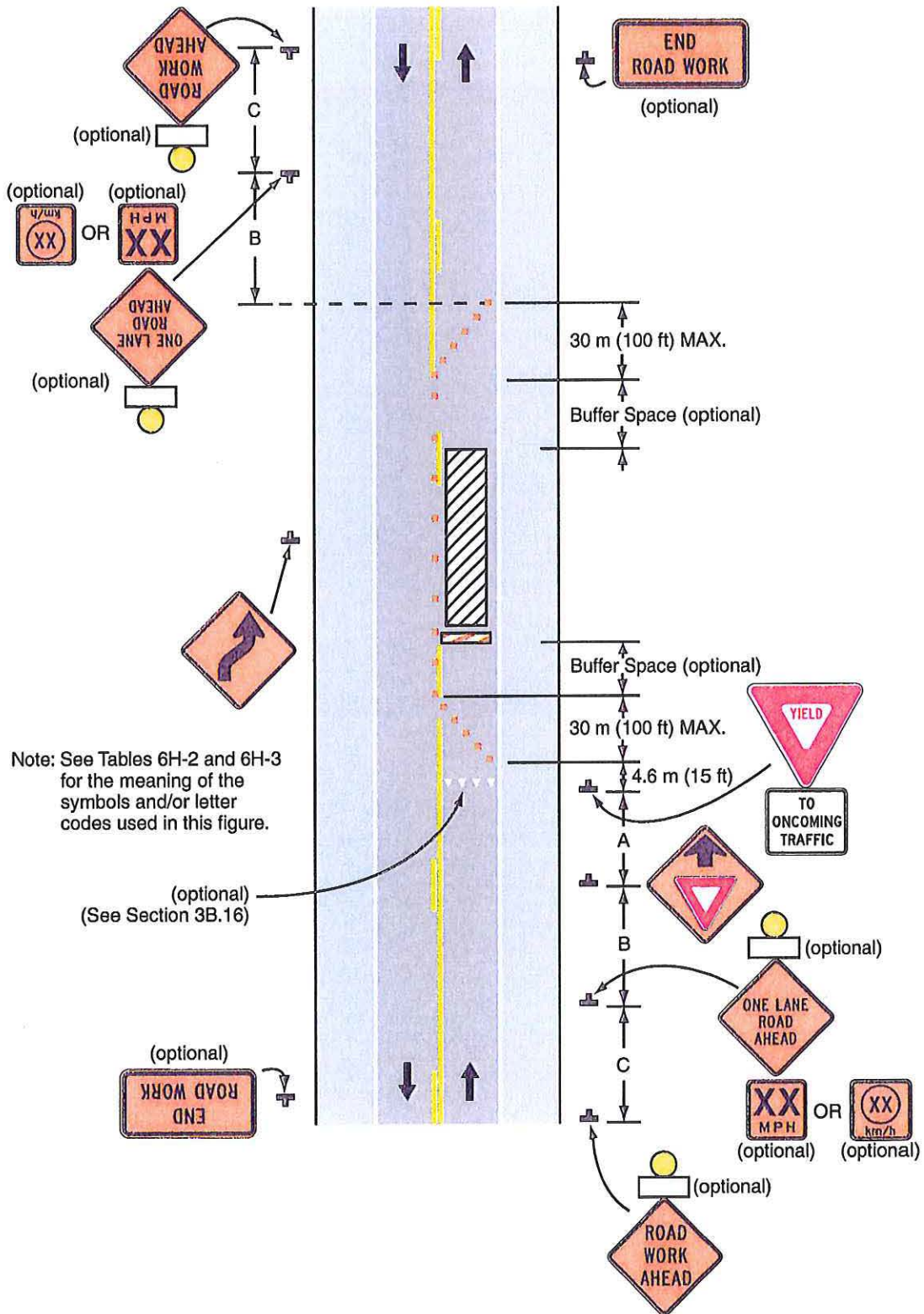


ESC
CONSULTING
ENGINEERS, P.C.
 300 CORPORATE CENTER DRIVE SUITE 200
 MOON TOWNSHIP, PENNSYLVANIA 15108
 (412) 604-1040

FIGURE 1
 PROPOSED MW-31 AND
 MW-32 LOCATIONS

FEDERAL-MOGUL PISTON RINGS
 MUSKEGON, MICHIGAN
 PREPARED FOR
 FEDERAL-MOGUL
 SOUTHFIELD, MICHIGAN

Figure 6H-11. Lane Closure on Two-Lane Road with Low Traffic Volumes



Typical Application 11

Security enhanced document. See back for details.

WSP ENVIRONMENTAL STRATEGIES LLC

11911 FREEDOM DR STE 900
RESTON, VA 20190-5631

1023

DATE 2-15-07

8-9/430
077

PAY
TO THE
ORDER OF

City of Muskegan

\$ 100.00

One hundred and 00/100

DOLLARS

Security features
are included
Details on back



PNC Bank, N.A. 001
Pittsburgh, PA

FOR

Federal Mogul 138082

Patricia A. Welch

MP

⑈001023⑈ ⑆043000096⑆ 1024003251⑈

XXXXXXXXXXXXXXXXXXXX

YOUR RECEIPT
THANK YOU
CALL AGAIN

XXXXXXXXXXXXXXXXXXXX
ENCROUCHMENT

100.00

ITEM CT 1
CHECK

100.00

03:05PM03-09-2007
6907 LINDA

Security enhanced document. See back for details.

WSP ENVIRONMENTAL STRATEGIES LLC

11911 FREEDOM DR STE 900
RESTON, VA 20190-5631

1029

DATE 3/23/07

8-9/430
077

PAY
TO THE
ORDER OF

City of Washington

\$ 100.⁰⁰/₁₀₀

one hundred dollars and ⁰⁰/₁₀₀

DOLLARS

 Security features
are included.
Details on back.



PNC Bank, N.A. 001
Pittsburgh, PA

FOR Federal-Mogul 138082709

E. Long

MP

⑈001029⑈ ⑆0430000096⑆ 1024003251⑈

Date: March 13, 2007

To: Honorable Mayor and City Commissioners

From: Engineering

RE: City – MDOT Agreement for:
Park Street Reconstruction, Hackley to Young

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

MDOT's participation is capped at \$192,000 but not to exceed 80% of eligible cost. The estimated total eligible construction cost (without engineering which is not eligible) of the project is \$240,000.

BUDGET ACTION REQUIRED:

None. The Cities of Muskegon & Muskegon Heights had budgeted for their share (50% each) of the project in 2007.

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

RESOLUTION 2007-23(1)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RECONSTRUCTION OF PARK STREET FROM HACKLEY TO YOUNG TOGETHER WITH OTHER NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY ANN MARIE BECKER TO EXECUTE SAID CONTRACT

Moved by Vice Mayor Gawron and supported by

Commissioner Carter that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **07-5042** between the Michigan Department of Transportation and the City of Muskegon for the **Reconstruction of Park St. from Hackley to Young** within the City is in the best interests of the City of Muskegon.

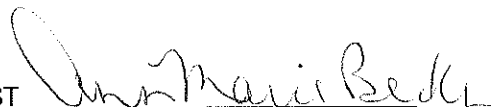
RESOLVED, that entry by the City into Contract Agreement Number **07-5042** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 13th day of March, 2007.

BY


Stephen J. Warmington, Mayor

ATTEST


Ann Marie Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on March 13, 2007. 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


Ann Marie Becker, City Clerk

RESOLUTION

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION, CITY OF MUSKEGON AND THE CITY OF MUSKEGON HEIGHTS FOR THE RECONSTRUCTION OF PARK STREET FROM HACKLEY TO YOUNG AVENUE TOGETHER WITH OTHER NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR RILLASTINE R. WILKINS AND CITY CLERK, KORDILIA BUCKNER, TO EXECUTE SAID CONTRACT

Moved by Councilwoman McGlothlin and supported by
Councilwoman Scott that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon Heights into Contract no. **07-5042** between the Michigan Department of Transportation and the City of Muskegon for the reconstruction of Park street from Hackley to Young Avenue within the City is in the best interests of the City of Muskegon Heights.

RESOLVED, that entry by the City into Contract Agreement Number **07-5042** 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 Heights.

Adopted this 12th day of February, 2007.

BY: Rillastine R. Wilkins
Rillastine R. Wilkins, Mayor

ATTEST: Kordilia Buckner
Kordilia Buckner, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Council, held on February 12, 2007, **2007**. 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 HEIGHTS
By Kordilia Buckner
Kordilia Buckner, City Clerk



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

February 1, 2007

*Rec'd
2-9-07
[Signature]*

Ms. Gail Kunding, Clerk
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Kunding:

RE: MDOT Contract No.: 07-5042
Control Section: EDF 61566
Job Number: 89512

We are enclosing the original and two copies of the above described contract to be executed by the City of Muskegon, the City of Muskegon Heights, and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract.

If the contract is approved by your council, please secure execution of the original and two copies and forward them to the other agency involved for their review and signature. Please have **all** copies of the contract returned to the Department's Design Division, 2nd Floor, along with the necessary certified **RESOLUTIONS**, as required. **PLEASE DO NOT DATE THE CONTRACTS.**

In order to ensure that the work and payment for this project is not delayed, the agreement needs to be returned within 35 days from the date of this letter.

One copy of the fully executed contract will be provided each party as soon as possible after execution by the Department. If you have any questions, please feel free to contact me at (517) 335-2264.

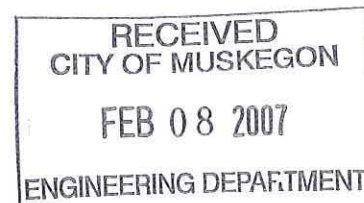
RECEIVED BY THE
FEB 16 2007
CITY MANAGERS OFFICE

Sincerely,

Jackie Burch

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure





JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

April 25, 2007

Ms. Gail Kunding, Clerk
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Kunding:

RE: MDOT Contract Number: 07-5042
Control Section: EDF 61566
Job Number: 89512

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

Cc: D. Finch, Economic Development
Project Accounting, Financial Operations Division
Grand Region Engineer

cc: Engineering

TED (F)
NON FED

CAB
Control Section EDF 61566
Job Number 89512
Contract No. 07-5042

THIS CONTRACT is made and entered into this date of MAR 28 2007, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT;" the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; and the CITY OF MUSKEGON HEIGHTS, a Michigan municipal corporation, hereinafter referred to as "MUSKEGON HEIGHTS;" for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the Cities of Muskegon and Muskegon Heights, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I," dated January 25, 2007, attached hereto and made a part hereof:

Reconstruction work along Park Street from Hackley Avenue to Young Avenue; and all together with necessary related work.

WITNESSETH:

WHEREAS, the State of Michigan is hereinafter referred to as the "State;" and

WHEREAS, the PROJECT has been approved for financing in part with funds from the State appropriated to the Transportation Economic Development Fund, hereinafter referred to as "TED FUNDS," qualifies for funding pursuant to PA 231, Section 11(2)(b); Public Act of 1987, as amended, and is categorized as:

CATEGORY "F" FUNDED PROJECT

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

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

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

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

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

3. The DEPARTMENT is authorized by the REQUESTING PARTY to perform, at no cost to the PROJECT, such administration of the PROJECT covered by this contract as is necessary to assist the REQUESTING PARTY to qualify for funding. Such administration may include performing such review, legal, financing, any other PROJECT related activities as are necessary to assist the REQUESTING PARTY in meeting applicable State requirements.

The DEPARTMENT shall provide the REQUESTING PARTY with a notice to proceed with the award of the construction contract for the PROJECT.

The DEPARTMENT shall make a final acceptance inspection of the PROJECT as necessary to ensure the PROJECT meets State requirements. Failure to comply with State requirements may result in forfeiture of future distributions of the Michigan Transportation Fund as described in Section 6. No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

4. The REQUESTING PARTY, under the terms of this contract, shall advertise and award the PROJECT work in accordance with the following:

- A. The REQUESTING PARTY will, at no cost to the DEPARTMENT or the PROJECT, design, or cause to be designed, the PROJECT, and shall accept full responsibility for that design. Any review undertaken by the DEPARTMENT is for its own purposes and is not to nor does it relieve the REQUESTING PARTY of liability for any claims, causes of action or judgments arising out of the design of the PROJECT.
- B. The REQUESTING PARTY, hereby, certifies to the DEPARTMENT that the plans, specifications, and estimates for the PROJECT have been prepared in compliance with applicable State laws, local ordinances, and State and local standards and regulations.
- C. The REQUESTING PARTY, hereby, certifies to the DEPARTMENT that the contracting procedures to be followed by the REQUESTING PARTY in connection with the solicitation of the construction contract for the PROJECT shall be based on an open competitive bid process. It is understood that the proposal for the PROJECT shall be publicly advertised and the contract awarded on the basis of the lowest responsive and responsible bid in accordance with applicable State statutes, local ordinances, and State and local regulations.

- (1) The REQUESTING PARTY shall not award the construction contract prior to receipt of a notice to proceed from the DEPARTMENT.
- (2) Upon verification that contractor selection by the REQUESTING PARTY was made in accordance with the terms of this contract and upon receipt of the "Request for Payment" form from the REQUESTING PARTY, the DEPARTMENT will authorize payment to the REQUESTING PARTY for the eligible amount in accordance with Section 5.

D. The REQUESTING PARTY will, at no cost to the PROJECT or the DEPARTMENT, comply with all applicable State statutes, local ordinances, and State and local regulations, including, but not limited to, those specifically relating to construction contract administration and obtain all permits and approvals with railway companies, utilities, concerned State, Federal, and local agencies, etc., and give appropriate notifications as may be necessary for the performance of work required for the PROJECT.

The REQUESTING PARTY agrees to comply with all applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended by 1995 PA 60 and 1996 PA 173, MCL 324.9101 et. seq., for all PROJECT work performed under this contract, and the REQUESTING PARTY shall require its contractors and subcontractors to comply with the same.

E. All work in connection with the PROJECT shall be performed in conformance with the DEPARTMENT'S current Standard Specifications for Construction, special provisions, and the supplemental specifications and plans pertaining to the PROJECT. All materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. Any changes in the scope of work for the PROJECT will require approval by the DEPARTMENT.

F. The REQUESTING PARTY shall, at no cost to the PROJECT or to the DEPARTMENT, appoint a project engineer who shall administer the PROJECT and ensure that the plans and specifications are followed, and shall perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

Should the REQUESTING PARTY elect to use consultants for construction engineering and inspection, the REQUESTING PARTY shall

provide a full-time project manager employed by the REQUESTING PARTY who shall ensure that the plans and specifications are followed.

G. The REQUESTING PARTY shall require the contractor who is awarded the contract for the construction of the PROJECT to provide, as a minimum, insurance in the amounts specified in and in accordance with the DEPARTMENT'S current Standard Specifications for Construction, and to:

- (1) Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- (2) Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other party with jurisdiction for the roadway being constructed as the PROJECT, and their employees, for the duration of the PROJECT and to provide copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume either ownership of any portion of the PROJECT or jurisdiction of any REQUESTING PARTY highway as a result of being named as an insured on the owner's protective liability insurance policy.
- (3) Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current Standard Specifications for Construction and to provide copies of notices and reports prepared to those insured.

5. The PROJECT COST shall be met in part by contributions by TED FUNDS. TED FUNDS Category F shall be applied to the eligible items of the PROJECT COST up to an amount not to exceed the lesser of: (1) 80 percent of the approved and responsible low bid amount, or (2) \$192,000, the grant amount. The balance, if any, of the PROJECT COST, after deduction of TED FUNDS, is the sole responsibility of the REQUESTING PARTY.

The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of PROJECT work.

Based upon the final cost of the PROJECT and/or a request by the REQUESTING PARTY, a payment adjustment may be initiated and/or authorized by the DEPARTMENT for eligible items of the PROJECT COST such that the total amount of TED FUNDS does not exceed the grant amount. The REQUESTING PARTY shall certify all actual costs incurred for work performed under this contract that are eligible for payment with TED FUNDS and will be required to repay any TED FUNDS it received in excess of 80 percent of the total of such costs.

6. The REQUESTING PARTY shall establish and maintain adequate records and accounts relative to the cost of the PROJECT. Said records shall be retained for a period of three (3) years after completion of construction of the PROJECT and shall be available for audit by the DEPARTMENT. In the event of a dispute with regard to allowable expenses or any other issue under this contract, the REQUESTING PARTY shall continue to maintain the records at least until that dispute has been finally decided and the time after all available challenges or appeals of that decision has expired.

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

The REQUESTING PARTY, within six (6) months of completion of the PROJECT and payment of all items of PROJECT COST related thereto, shall make a final reporting of construction costs to the DEPARTMENT and certify that the PROJECT has been constructed in accordance with the PROJECT plans, specifications, and construction contract.

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

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense, and (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a

repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 998-502 and applicable State laws and regulations relative to audit requirements.

7. At such time as traffic volumes or safety requirements warrant, the REQUESTING PARTY and MUSKEGON HEIGHTS will each cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of that portion of the PROJECT within their respective jurisdiction.

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

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

9. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either State or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT. If the REQUESTING PARTY refuses to participate in the cost of remediation, the amount of TED FUNDS the REQUESTING PARTY received from Grant 434 shall be forfeited back to the DEPARTMENT.

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

11. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the State.

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

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

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

12. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such

highway for the purposes of MCL 691.1402; MSA 3.996(102) rest with the REQUESTING PARTY and other local agencies having respective jurisdiction.

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

14. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

15. In addition to any protection afforded by a policy of insurance, the REQUESTING PARTY agrees to indemnify and save harmless the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and all officers, agents, and employees thereof:

- A. From any and all claims by persons, firms, or corporations for labor, materials, supplies or services provided to the REQUESTING PARTY in connection with the contract which the REQUESTING PARTY shall perform under the terms of this contract; and
- B. From any and all claims for injuries to, or death of, any and all persons, for loss of or damage to property, environmental damage, degradation, response and cleanup costs, and attorney fees or other related costs, arising out of, under, or by reason of the Agreement, including the design of the PROJECT, except claims resulting from the sole negligence or willful acts or omissions of said indemnitee, its agents or employees.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract, it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the

Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

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

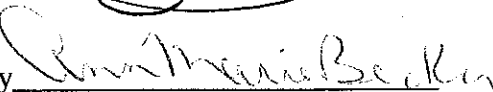
17. The REQUESTING PARTY and other local agencies, as applicable parties, understand and agree that the highway(s) or street(s) being improved under the terms of this agreement and funded with Transportation Economic Development Funds, shall not be subject to any restriction by local authorities in using certain commercial vehicles on such highway(s) or street(s). Such restrictions are in conflict with the basic concept of the Transportation Economic Development Program and Funding. The REQUESTING PARTY, by signing this agreement, agrees to obtain concurrence from other local governmental agencies within whose jurisdiction or control the highway(s) or street(s) are being improved.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY and MUSKEGON HEIGHTS, certified copies of which resolutions shall be attached to this contract; and with approval by the State Administrative Board.

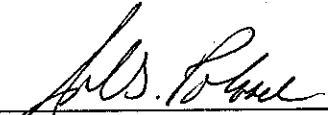
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF MUSKEGON

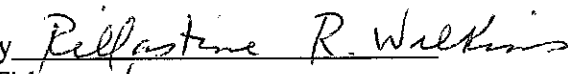
By 
Title: Mayor

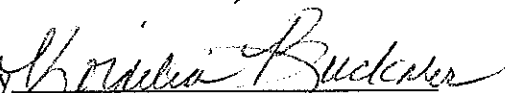
By 
Title: City Clerk

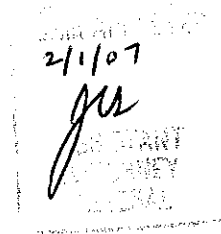
MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Department Director MDOT

CITY OF MUSKEGON HEIGHTS

By 
Title: Mayor

By 
Title: City Clerk



January 25, 2007

EXHIBIT I

CONTROL SECTION	EDF 61566
JOB NUMBER	89512

ESTIMATED COST

Estimated PROJECT COST

Contracted Work	\$240,000
-----------------	-----------

ESTIMATED COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$240,000
Less TED FUNDS*	<u>\$192,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 48,000

NO DEPOSIT

*TED FUNDS are limited to an amount as described in Section 5.

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

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 6, 2007

RE: Change Order #1 for Central Fire Station

SUMMARY OF REQUEST:

To approve Change Order #1 for the new fire station, the majority of which is for fill sand to raise up the site. The amount needed was not yet determined at the time of the bid.

FINANCIAL IMPACT:

\$40,109.65

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the Change Order.

COMMITTEE RECOMMENDATION:

None.

AIA® Document G701™ – 2001

Change Order

PROJECT (Name and address): City of Muskegon New Fire Station Western Avenue Muskegon, Michigan	CHANGE ORDER NUMBER: 001 DATE: January 15, 2007	OWNER: ☒ ARCHITECT: ☒ CONTRACTOR: ☒
TO CONTRACTOR (Name and address): Beckering Advisor, Inc. 650 44th Street SE Grand Rapids, MI 49548	ARCHITECT'S PROJECT NUMBER: 4-0185 CONTRACT DATE: September 20, 2006 CONTRACT FOR: General Construction	FIELD: ☐ OTHER: ☐

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Changes per Bulletin #3:

1. Omit one shower seat at Room #107. DEDUCT: (\$160.00)
2. Omit (4) U-180 towel dispensers for Rooms 104, 105, 209 and 210, and add (6) towel dispensers for Rooms 107, 108, 109, 110, 209 and 210. ADD: \$180.00
3. Remove all type ES, type ES3 and type ER light fixtures shown on Sheet E2.1 with the following exceptions: A) Type ES2 fixtures in Apparatus Bay to feed emergency lamps on the exterior of building, B) Type ER fixtures in Training Room, C) Type BR2 fixtures near door at Kitchen to feed emergency lamps on the exterior of building, D) Type ER fixtures in Dayroom.
DEDUCT: (\$3,258.00)
4. Remove all type ER light fixtures shown on Sheet E2.2. DEDUCT: (\$807.00)
5. Revise the fixture in Stair S1 from type KN to type JN. ADD: \$47.00
6. Relabel the generator to "Legally Required Generator" per the City's request. ADD: \$66.00
7. Provide single phase connection and disconnect switches in lieu of 3 phase wiring for the following units: CCU-3, CCU-5 and CCU-8. Circuit breaker and feeder sizes are to remain the same. NO CHANGE.
8. Additional sand fill imported to the fire station site and soil compaction testing. ADD: \$44,041.65

The original Contract Sum was	\$ 3,174,326.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 3,174,326.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 40,109.65
The new Contract Sum including this Change Order will be	\$ 3,214,435.65

The Contract Time will be increased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

Commission Meeting Date: March 13, 2007

Date: March 1, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – Johnson Technology, Inc.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Johnson Technology, Inc., 2034 Latimer Drive, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 2034 Latimer Drive, Muskegon. The total capital investment is approximately \$5,580,077 with \$993,077 in real property and \$4,587,294 in personal property, and includes the addition of 25 new jobs. This request qualifies Johnson Technology, Inc. for a term of twelve (12) years for real property and nine (9) years for personal property.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and nine (9) years for personal property.

COMMITTEE RECOMMENDATION: None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*JOHNSON TECHNOLOGY, INC.***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on July 26, 1983, this Commission by resolution established an Industrial Development District as requested by the City of Muskegon for Port City Industrial Park, including the property owned by Johnson Technology, Inc., 2034 Latimer Drive, Muskegon, Michigan 49442; and

WHEREAS, Johnson Technology Inc. has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building facility upgrades and new machinery and equipment to be installed within said Industrial Development District ; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on March 13, 2007, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

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

CITY OF MUSKEGON PORT CITY INDUSTRIAL CENTER NO 2 LOT 30

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property and twelve (12) years on real property.

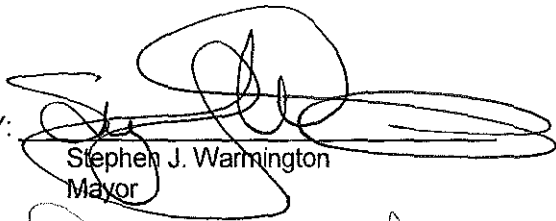
Adopted this 13th Day of March 2007.

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

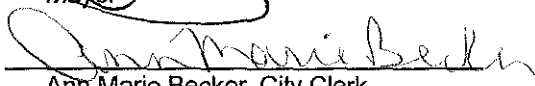
Nays: None

Absent: None

BY:

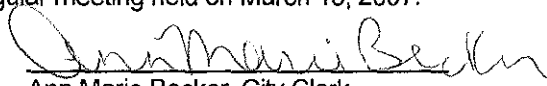

Stephen J. Warmington
Mayor

ATTEST:


Ann Marie Becker, City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on March 13, 2007.


Ann Marie Becker, City Clerk

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit

STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) JohnsonTechnology, Inc.		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3724													
1c. Address of Facility (real property or personal property location) 2034 Latimer Drive, Muskegon, MI 49442		1d. City/Township/Village (indicate which) City of Muskegon	1e. County Muskegon												
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located Orchard View	3b. School Code 61190												
		4. Amount of years requested for exemption (1-12 Years) 12													
5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed). 1) Purchase equipment to apply coating to turbine engine parts that had previously been done outside the company 2) Purchase equipment to establish production flow lines on new generation GENx aircraft engine part requirements 3) Purchase additional electrical power capacity and energy efficient improvements (lighting, insulated walls/ceiling, etc.)															
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		▶ \$993,077.00 Real Property Costs													
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation plus total costs		▶ \$4,587,294.00 Personal Property Costs													
6c. Total Project Costs * Round Costs to Nearest Dollar		▶ \$5,580,371.00 Total of Real & Personal Costs													
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC. <table border="0" style="width:100%"><thead><tr><th></th><th>Begin Date (M/D/Y)</th><th>End Date (M/D/Y)</th><th></th></tr></thead><tbody><tr><td>Real Property Improvements ▶</td><td>9/13/06</td><td>3/13/09</td><td>▶ ☒ Owned ☐ Leased</td></tr><tr><td>Personal Property Improvements ▶</td><td>9/13/06</td><td>3/13/09</td><td>▶ ☒ Owned ☐ Leased</td></tr></tbody></table>					Begin Date (M/D/Y)	End Date (M/D/Y)		Real Property Improvements ▶	9/13/06	3/13/09	▶ ☒ Owned ☐ Leased	Personal Property Improvements ▶	9/13/06	3/13/09	▶ ☒ Owned ☐ Leased
	Begin Date (M/D/Y)	End Date (M/D/Y)													
Real Property Improvements ▶	9/13/06	3/13/09	▶ ☒ Owned ☐ Leased												
Personal Property Improvements ▶	9/13/06	3/13/09	▶ ☒ Owned ☐ Leased												
8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No															
9. No. of existing jobs at this facility that will be retained as a result of this project. 287		10. No. of new jobs at this facility expected to create within 2 years of completion. 25													
11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation. a. SEV of Real Property (excluding land) _____ b. SEV of Personal Property (excluding inventory) _____ c. Total SEV _____															
12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District															
12b. Date district was established by local government unit (contact local unit) 7/26/83		12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No													



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

Johnson Technology, Inc., an existing manufacturing company located at 2034 Latimer Drive, Muskegon, Michigan, is upgrading their facility and installing new machinery and equipment to expand its present operation. The company produces parts for the aerospace industry. Due to the fact that the company is investing \$993,077 in real property and \$4,587,294 in personal property for a total investment of \$5,580,371, it is eligible for a twelve (12) year exemption for real property and nine (9) year exemption for personal property.

Employment Information:

Racial Characteristics:			
White	264	92%	
Minority	23	8%	
Total	287	100%	
Gender Characteristics:			
Male	192	67%	
Female	95	33%	
Total	287	100%	

Total No. of Anticipated New Jobs: 25

Investment Information:

Real Property:	\$ 993,077
Personal Property	\$4,487,294
Total:	\$5,580,371

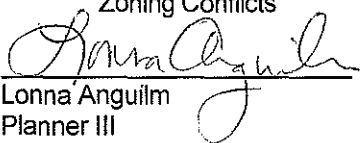
Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$159,572	\$30,896
Value of Abatement	\$ 79,786	\$15,448
Total New Taxes Collected	\$ 79,786	\$15,448

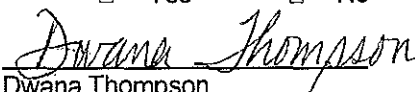
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$8,320

Company Requirements:

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


Lonna Anguilm
Planner III


Dwana Thompson
Affirmative Action Director

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Recommendation for Annual Renewal of Liquor Licenses

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 23, 2007, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

**RESOLUTION RECOMMENDING STATE WITHHOLD
RENEWAL OF LIQUOR LICENSES FOR CODE
VIOLATIONS**

Resolution No. 2007-25(b)

THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that whereas, the following business establishments in the City of Muskegon have liquor licenses and are found to be in violation of Article V, Section 50-146 and 50-147 of the Code of Ordinances of the City of Muskegon:

Captain Jack's, 1601 Beach Street
Muskegon Family Foods, 1157 Third Street
Ghezzi's Market, 2017 Lakeshore
D J Party Store, 939 E. Laketon
Sunny Mart, 1100 Hackley

AND WHEREAS, a hearing was held on March 13, 2007, before the City Commission to allow such licensees an opportunity to refute the determination of the City Commission that such establishments are in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon hereby recommends that these liquor licenses not be approved for renewal, and a copy of this Resolution be sent to the State Liquor Control Commission. If any of these establishments come into compliance before March 23, 2007, they will be removed from this Resolution.

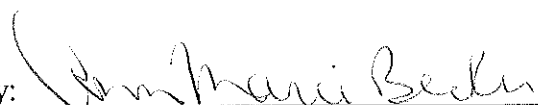
Approved and adopted this 13th day of March, 2007.

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

NAYS: None

ABSENT: None

By: _____

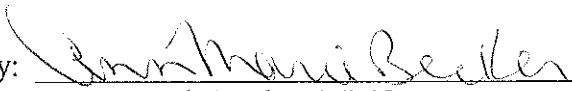


Ann Marie Becker, MMC
City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 13, 2007. 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: 
Ann Marie Becker, MMC
City Clerk

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
DIVISION STREET, LAKETON TO SOUTHERN

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2007-25(c)

Resolution At First Hearing Creating Special Assessment District
For **Division Street from Laketon Avenue to Southern Avenue**

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

RECITALS:

1. A hearing has been held on **March 13, 2007** 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 13, 2007**, there were 37.32 % 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 Shepherd 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 **17.34%** 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 Carter, Davis, Gawron, Shepherd, Spataro, Warmington,
and Wierengo

Nays None

CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 13, 2007**. 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 Ann Marie Becker
Ann Marie Becker, City Clerk

EXHIBIT A

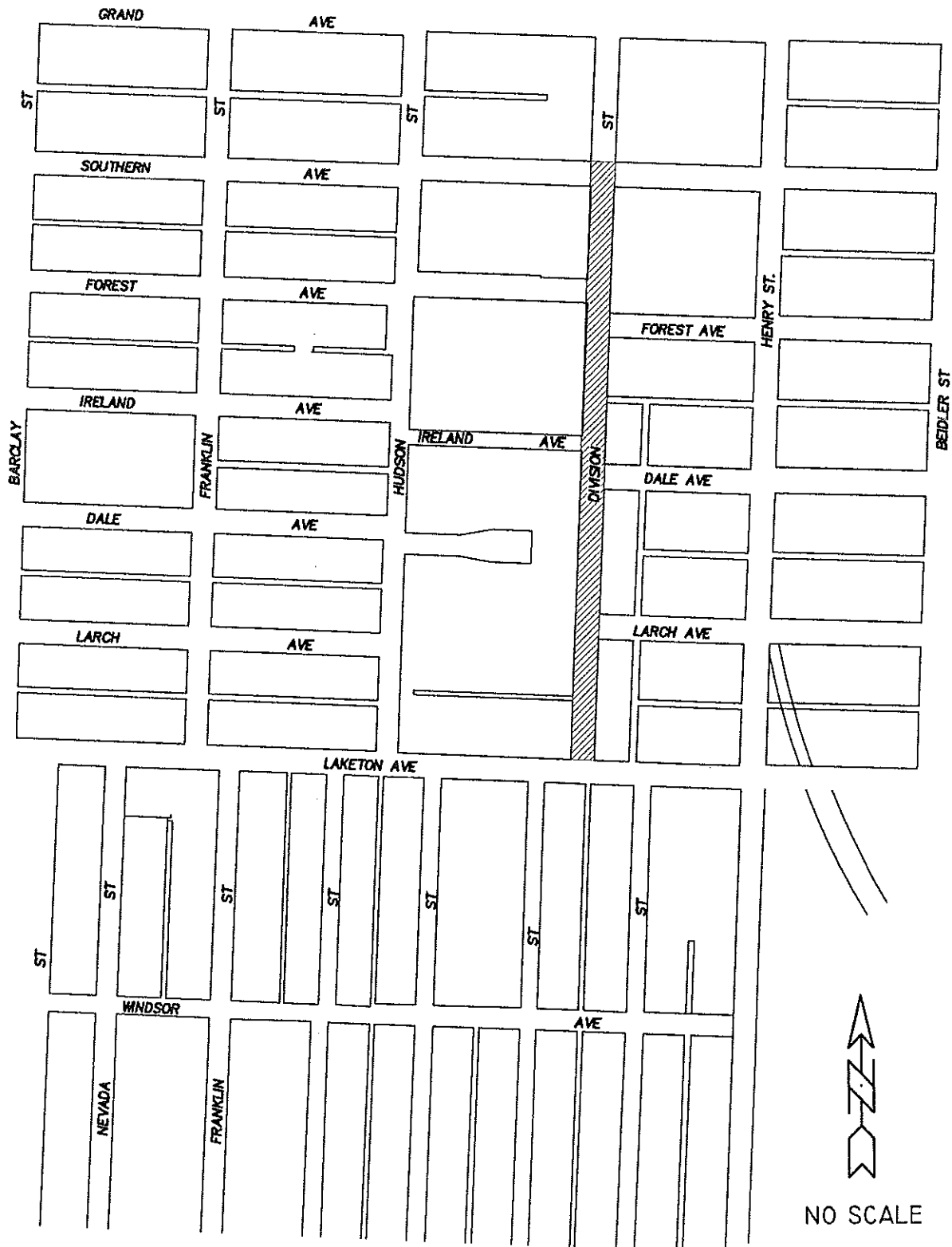
**Division Street from
Laketon Avenue to Southern Avenue**

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Division Street from Laketon Avenue to Southern Avenue**

EXHIBIT "A"

SPECIAL ASSESSMENT DISTRICT



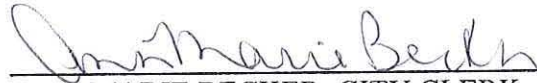
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

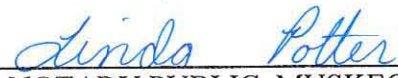
TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Division St., Laketon Ave. to Southern Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2nd DAY OF MARCH, 2007.


ANN MARIE BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
5th DAY OF March, 2007.


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**DIVISION ST., LAKETON AVE. TO SOUTHERN AVE.
AND
MCGRAFT PARK. RD., ADDISON ST. TO GLENSIDE BLVD.**

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

All parcels abutting Division St., from Laketon Ave. to Southern Ave.

And

All parcels abutting McGraft Park. Rd., from Addison St. to Glenside Blvd.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 13, 2007 AT 5:30 O'CLOCK P.M**

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

By City Charter, if the owners of more than one-half of the 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.

PUBLISH: **March 3, 2007**

Ann Marie Becker, City Clerk

ADA POLICY

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

Ann Marie Becker, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

ENGINEERING FEASIBILITY STUDY
Division Street from
Laketon Avenue to Southern Avenue

The proposed reconstruction of Division Street, Laketon to Southern, 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 reconstruction is the most effective method especially with the needs for other facilities which includes watermain, sewer main, storm sewer system water & sewer services.

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 \$470,000.00 (total estimated cost including other elements is \$900,000) with the length of the project being approximately 1,687 lineal feet or 2,547.20 of assessable front footage. This translates into an estimated improvement cost of \$184 per assessable foot. However, based on the 2007 assessment figure for this type of improvement the assessment will not exceed \$32.00 per assessable foot.

February 15th, 2007

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 Division Street between Laketon Ave and Southern 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 February 15th 2007.

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 \$32.00 for the new construction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$33.84. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Dennis W. Burns CMAE 3
Assessment Administration Supervisor

March 2, 2007

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

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

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

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

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

A public hearing is also scheduled for this project on MARCH 13, 2007. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

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

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

March 2, 2007

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 1

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Division St. from Laketon Ave. to Southern Ave.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 13, 2007 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

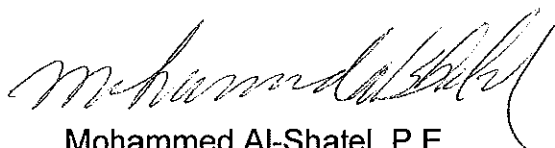
The total estimated cost of the street portion of the project is \$470,000.00 of which approximately 17.34% (\$81,510.40) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
DIVISION STREET, LAKETON AVE TO SOUTHERN AVE - H 1526
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

_____ Wage earner: _____
_____ Wage earner: _____
_____ Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

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

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

Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

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

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
DIVISION STREET, LAKETON AVE TO SOUTHERN AVE - H 1526
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear City of Muskegon Owner-Occupied Resident:

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

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 50% of Area Median Income** (see chart below). Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2006, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2006

SPECIAL ASSESSMENT MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT (50% AMI)
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300

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

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

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

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

The City reserves the right to verify all application information. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	76.3 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,441.60

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 E 125 FT OF S 80 FT LOT 13 EXC W 11 FT OF N 37 FT TH'OF & EXC A TRIANGULAR PC IN SE COR COM AT SE COR LOT 13 TH N 3.7 FT TH SWLY TO S LINE OF LOT TH E 3.7 FT TO BEG

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.

OWNERS NAME

SPECIAL ASSESSMENT

H-1526

NEW CONSTRUCTION

HEARING DATE

MARCH 13, 2007

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

1	MADISON PETER J	ASSESSABLE FEET:	76.3
24-205-505-0013-09	890 W LAKETON AVE	COST PER FOOT:	\$32.00
@ 890 W LAKETON AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,441.60

2	BELONGA DELORES J	ASSESSABLE FEET:	40
24-205-505-0013-08	1781 DIVISION ST	COST PER FOOT:	\$32.00
@ 1781 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,280.00

3	BROWN MARY G	ASSESSABLE FEET:	40
24-205-505-0013-07	6699 HARVEY RD	COST PER FOOT:	\$32.00
@ 1773 DIVISION ST	SPRING LAKE MI 49456	ESTIMATED P.O. COST:	\$1,280.00

4	KOEHLER JAMES	ASSESSABLE FEET:	88
24-205-505-0012-03	905 FOREST PARK RD	COST PER FOOT:	\$32.00
@ 1769 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,816.00

5	BLOHM MICHAEL/BENITA A	ASSESSABLE FEET:	88
24-205-505-0011-02	1749 DIVISION ST	COST PER FOOT:	\$32.00
@ 1749 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,816.00

6	PADILLA ENRIQUE/BELIA	ASSESSABLE FEET:	55
24-205-505-0010-01	1741 DIVISION	COST PER FOOT:	\$32.00
@ 1741 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,760.00

7	NOWAKOWSKI STANLEY/CARRI	ASSESSABLE FEET:	42
24-205-505-0009-10	1731 DIVISION ST	COST PER FOOT:	\$32.00
@ 1731 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,344.00

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

8	ANDERSON JANET	ASSESSABLE FEET:	47
24-205-505-0009-09	1725 DIVISION	COST PER FOOT:	\$32.00
@ 1725 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,504.00</u>
9	SMITH JENNIFER	ASSESSABLE FEET:	50
24-205-505-0009-08	1719 DIVISION ST	COST PER FOOT:	\$32.00
@ 1719 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,600.00</u>
10	SMITH CAROL L	ASSESSABLE FEET:	37
24-205-505-0009-07	1711 DIVISION ST	COST PER FOOT:	\$32.00
@ 1711 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,184.00</u>
11	LOWERY ERNEST H	ASSESSABLE FEET:	45
24-205-505-0008-00	1707 DIVISION ST	COST PER FOOT:	\$32.00
@ 1707 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,440.00</u>
12	JEFFERSON CHRISTINA M	ASSESSABLE FEET:	42
24-205-505-0007-08	1699 DIVISION ST	COST PER FOOT:	\$32.00
@ 1699 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,344.00</u>
13	DELGADO OCHOA MARTIN/JUA	ASSESSABLE FEET:	89
24-205-505-0007-07	1691 DIVISION ST	COST PER FOOT:	\$32.00
@ 1691 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,848.00</u>
14	WILCOX JAMES F/HELEN M	ASSESSABLE FEET:	45
24-670-000-0013-00	1675 DIVISION ST	COST PER FOOT:	\$32.00
@ 1675 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,440.00</u>

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

15	LUKER JOSIAH A	ASSESSABLE FEET:	45
24-670-000-0011-00	4690 E GRANDVIEW DR	COST PER FOOT:	\$32.00
@ 878 IRELAND AVE	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	\$1,440.00
16	CARDENAS JAVIER/ZARAGOZA	ASSESSABLE FEET:	44
24-205-505-0005-20	1645 DIVISION ST	COST PER FOOT:	\$32.00
@ 1645 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	\$1,408.00
17	ALVIAR ANITA M	ASSESSABLE FEET:	44
24-205-505-0005-10	1641 DIVISION ST	COST PER FOOT:	\$32.00
@ 1641 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	\$1,408.00
18	ALVIAR ANITA M	ASSESSABLE FEET:	44
24-205-505-0005-00	1641 DIVISION ST	COST PER FOOT:	\$32.00
@ 1637 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	\$1,408.00
19	PEAKE DUANE D	ASSESSABLE FEET:	71
24-205-505-0001-00	1621 DIVISION ST	COST PER FOOT:	\$32.00
@ 1621 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	\$2,272.00
20	PRITZL MARTHA	ASSESSABLE FEET:	71
24-205-505-0001-10	1613 DIVISION	COST PER FOOT:	\$32.00
@ 1613 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	\$2,272.00
21	DEBNAK NICK D	ASSESSABLE FEET:	73.5
24-205-489-0009-00	1589 DIVISION ST	COST PER FOOT:	\$32.00
@ 1589 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	\$2,352.00

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

22	CITY OF MUSKEGON	ASSESSABLE FEET:	66
24-205-489-0010-00	PO BOX 536	COST PER FOOT:	\$32.00
@ 1581 DIVISION ST	MUSKEGON MI 49443-053	<u>ESTIMATED P.O. COST:</u>	<u>\$2,112.00</u>
23	CASTANON JOSE M /JOSEFINA	ASSESSABLE FEET:	57.75
24-205-489-0011-00	894 W GRAND AVE	COST PER FOOT:	\$32.00
@ 1571 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,848.00</u>
25	DAVID MICHAEL	ASSESSABLE FEET:	61.9
24-776-001-0008-00	3816 HIGHGATE	COST PER FOOT:	\$32.00
@ 860 W LAKETON AVE	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,980.80</u>
26	HALL CRAIG R	ASSESSABLE FEET:	63
24-776-001-0011-00	1776 DIVISION ST	COST PER FOOT:	\$32.00
@ 1776 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,016.00</u>
27	MOORE EBONY E	ASSESSABLE FEET:	81.5
24-776-001-0013-00	1762 DIVISION ST	COST PER FOOT:	\$32.00
@ 1762 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,608.00</u>
28	TISCH MATTHEW/VICKIE	ASSESSABLE FEET:	66.25
24-776-001-0015-00	872 CATHERINE AVE	COST PER FOOT:	\$32.00
@ 1752 DIVISION ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,120.00</u>
29	GREEN TREE SERVICING LLC	ASSESSABLE FEET:	43.5
24-776-002-0008-00	7360 S KYRENE RD	COST PER FOOT:	\$32.00
@ 1734 DIVISION ST	TEMPE AZ 85283	<u>ESTIMATED P.O. COST:</u>	<u>\$1,392.00</u>

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

30	MEARA NANCY J	ASSESSABLE FEET:	43.5
24-776-002-0009-00	1728 DIVISION ST	COST PER FOOT:	\$32.00
@ 1728 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,392.00</u>
31	MOREHOUSE IRENE M	ASSESSABLE FEET:	43.5
24-776-002-0010-00	1722 DIVISION	COST PER FOOT:	\$32.00
@ 1722 DIVISION ST	MUSKEGON MI 49441-000	<u>ESTIMATED P.O. COST:</u>	<u>\$1,392.00</u>
32	HERNANDEZ SALVADOR	ASSESSABLE FEET:	87
24-776-002-0011-00	1708 DIVISION	COST PER FOOT:	\$32.00
@ 1708 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,784.00</u>
33	SETTLE JO ANN	ASSESSABLE FEET:	43.5
24-776-002-0013-00	1700 DIVISION ST	COST PER FOOT:	\$32.00
@ 1700 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,392.00</u>
34	ANDERSON HEATHER A/VERNO	ASSESSABLE FEET:	88
24-776-002-0014-00	5632 NANCY DR	COST PER FOOT:	\$32.00
@ 1688 DIVISION ST	GRANDVILLE MI 49418	<u>ESTIMATED P.O. COST:</u>	<u>\$2,816.00</u>
35	TRUSTY TIMOTHY G/AMY R BA	ASSESSABLE FEET:	41.25
24-776-003-0008-00	5463 HOLTON RD	COST PER FOOT:	\$32.00
@ 1670 DIVISION ST	TWIN LAKE MI 49457	<u>ESTIMATED P.O. COST:</u>	<u>\$1,320.00</u>
36	BOUWKAMP CRISTINE	ASSESSABLE FEET:	41.25
24-776-003-0009-00	1664 DIVISION ST	COST PER FOOT:	\$32.00
@ 1664 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,320.00</u>

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

37	HERNANDEZ JOSE S	ASSESSABLE FEET:	41.25
24-776-003-0010-00	1656 DIVISION ST	COST PER FOOT:	\$32.00
@ 1656 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,320.00</u>
38	BOUCHER IRENE	ASSESSABLE FEET:	41.25
24-776-003-0011-00	1652 DIVISION ST	COST PER FOOT:	\$32.00
@ 1652 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,320.00</u>
39	BARAJAS SYLVIA/BARAJAS JUA	ASSESSABLE FEET:	40
24-775-000-0011-00	1644 DIVISION ST	COST PER FOOT:	\$32.00
@ 1644 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,280.00</u>
40	SERIO BOBBY L	ASSESSABLE FEET:	40
24-775-000-0010-00	1638 DIVISION ST	COST PER FOOT:	\$32.00
@ 1638 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,280.00</u>
41	STATE MANAGEMENT INC	ASSESSABLE FEET:	40
24-775-000-0009-00	17512 N FRUITPORT RD	COST PER FOOT:	\$32.00
@ 1630 DIVISION ST	SPRING LAKE MI 49456	<u>ESTIMATED P.O. COST:</u>	<u>\$1,280.00</u>
42	CITY OF MUSKEGON	ASSESSABLE FEET:	45
24-775-000-0008-00	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 1624 DIVISION ST	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	<u>\$1,440.00</u>
43	FORRESTAR INC	ASSESSABLE FEET:	61
24-205-488-0010-00	PO BOX 3577	COST PER FOOT:	\$32.00
@ 860 W FOREST AVE	REDONDO BEA CA 90277	<u>ESTIMATED P.O. COST:</u>	<u>\$1,952.00</u>

DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

44	KOONE IRMA L	ASSESSABLE FEET:	82
24-205-488-0009-00	848 W FOREST AVE	COST PER FOOT:	\$32.00
@ 848 W FOREST AVE	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,624.00</u>

45	FORS WILLIAM	ASSESSABLE FEET:	60
24-205-488-0008-00	1584 DIVISION ST	COST PER FOOT:	\$32.00
@ 1584 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,920.00</u>

46	ALONSO VIRGINIA/JOSE H	ASSESSABLE FEET:	42
24-205-488-0007-00	982 W LAKETON AVE	COST PER FOOT:	\$32.00
@ 1576 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,344.00</u>

47	MILLER TIMOTHY R	ASSESSABLE FEET:	50
24-205-488-0006-10	861 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 861 W SOUTHERN A	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,600.00</u>

SUM OF ASSESSABLE FOOTAGE	<u>2547.20</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$81,510.40</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	46.00		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1707 DIVISION ST
Parcel Number 24-205-505-0008-00
Assessable Frontage: 45 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,440.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 S 45 FT 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

Ernest H. Lowery

CoOwner/Spouse

Lais M. Lowery

Signature

Ernest H. Lowery

Signature

Lais M. Lowery

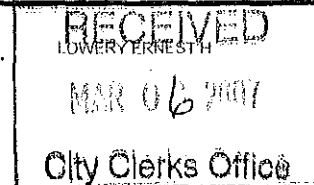
Address

1707 - DIVISION ST

Address

1707 Division St

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



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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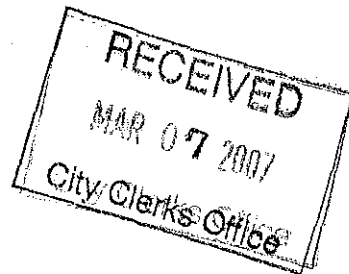
Assessment Information

Property Address: **1621 DIVISION ST**
Parcel Number **24-205-505-0001-00**
Assessable Frontage: **71** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$2,272.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 S 71 FT OF E 132 FT LOT 1 BLK 505



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

DUANE PEAKE

CoOwner/Spouse

Lynne Peake

Signature

Duane Peake

Signature

Lynne Peake

Address

1621 DIVISION

Address

1621 Division Street

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

PEAKE DUANE D

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **1613 DIVISION ST**
Parcel Number **24-205-505-0001-10**
Assessable Frontage: **71** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$2,272.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 E 97 FT OF S 71 FT OF N 105 FT LOT 1 EX W 5.26 FT OF N 37.5 FT THEREOF

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

Matthew Pritzl

CoOwner/Spouse

Signature

Matthew Pritzl

Signature

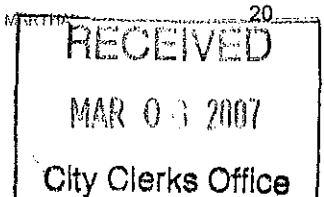
Address

1613 Division St

Address

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

PRITZL MATTHEW



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1652 DIVISION ST
Parcel Number 24-776-003-0011-00
Assessable Frontage: 41.25 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,320.00

Property Description

CITY OF MUSKEGON SUB OF PART OF LOT 3 BLK 506 BLK 3 LOT 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

Jane Boucher

CoOwner/Spouse

Signature

Jane Boucher

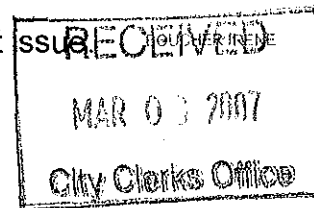
Signature

Address

1652 Division

Address

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



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

Project Description NEW CONSTRUCTION

Spelled wrong

INSTRUCTIONS

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Assessment Information

Property Address: 1630 DIVISION ST
Parcel Number 24-775-000-0009-00
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,280.00

Property Description

CITY OF MUSKEGON SUB OF LOTS 1 & 2 & PART OF LOT 3 BLK 506 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

~~Owner/Spouse~~

State Mgmt Inc.

Signature

Signature

Address

Address

*1630 Division St
Muskegon, MI*

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

STATE MANAGEMENT INC

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1576 DIVISION ST
Parcel Number 24-205-488-0007-00
Assessable Frontage: 42 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,344.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 S 42 FT LOT 7 BLK 488

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

JOSE ALONSO

CoOwner/Spouse

Virginia Alonso

Signature

Jose Alonso

Signature

Virginia Alonso

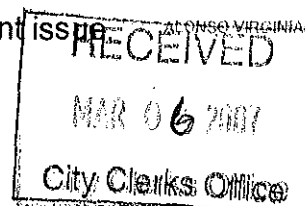
Address

1576 W. LAKETON AVE.

Address

982 W Laketon Ave

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



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**
Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

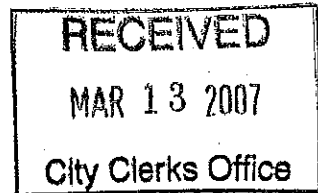
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Assessment Information

Property Address: **1571 DIVISION ST**
Parcel Number **24-205-489-0011-00**
Assessable Frontage: **57.75** Feet
Estimated Front Foot Cost: **\$32.00** per Foot
ESTIMATED TOTAL COST \$1,848.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 11 BLK 489



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 JOSE M. CASTANON CoOwner/Spouse JOSEFINA CASTANON

Signature JOSE M. CASTANON Signature JOSEFINA CASTANON

Address 1571 DIVISION ST MUSKEGON Address 1571 DIVISION ST MUSKEGON

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

CASTANON JOSE M / JOSEFINA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

Project Description NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1728 DIVISION ST

Parcel Number 24-776-002-0009-00

Assessable Frontage: 43.5 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,392.00

Property Description

CITY OF MUSKEGON SUB OF PART OF LOT 3 BLK 506 LOT 9 BLK 2

*over 65 +
disabled + low income*

*deferral
special assessment*

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 Nancy Jean Meera CoOwner/Spouse _____

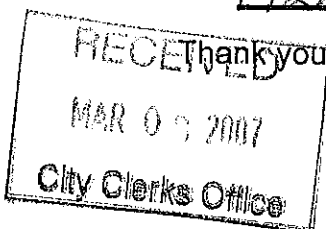
Signature Nancy Jean Meera Signature _____

Address 1728 Division St. Address _____

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

MEARA NANCY J

30



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

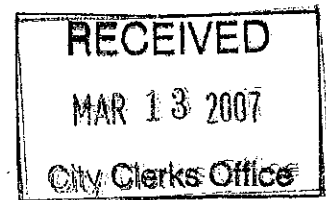
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Assessment Information

Property Address: **1711 DIVISION ST**
Parcel Number **24-205-505-0009-07**
Assessable Frontage: **37** Feet
Estimated Front Foot Cost: **\$32.00** per Foot
ESTIMATED TOTAL COST \$1,184.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 N 37 FT OF E 132 FT 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 Carol L. Smith CoOwner/Spouse _____

Signature Carol L. Smith Signature _____

Address 1711 Division Address _____

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

SMITH CAROL L.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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

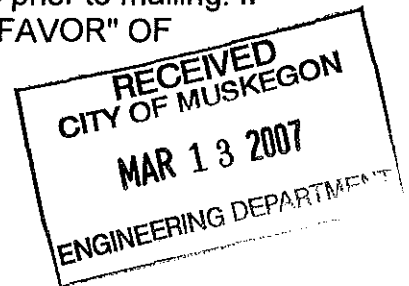
Assessment Information

Property Address: **1675 DIVISION ST**
Parcel Number **24-670-000-0013-00**
Assessable Frontage: **45** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$1,440.00

Property Description

CITY OF MUSKEGON ORCHARD HILL A SUB OF LOT 6 & S 44 FT OF LOTS 2,4 & 5 OF BLK 505 LOTS 13 & 14 EX W 4 FT OF LOT 14



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

James F. Wilcox

CoOwner/Spouse

Helen Wilcox

Signature

James F. Wilcox

Signature

Helen Wilcox

Address

1675 Division Street

Address

1675 Division St.

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

WILCOX JAMES F/HELEN M

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

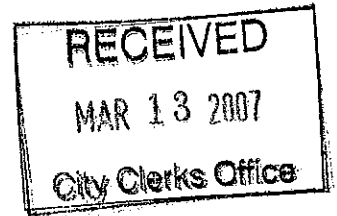
Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1699 DIVISION ST
Parcel Number 24-205-505-0007-08
Assessable Frontage: 42 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,344.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 N 21 FT LOT 8 BLK 505 & THAT PRT LOT 7 DESC AS FOL COM @ NE COR SD LOT 8 TH N ALG E LN LOT SD 7 21 FT TH W 132 FT TH S 21 FT TO NW COR SD LOT 8 TH E ALG N LN SD LOT 8 132 FT TO POB BLK 505 SBJT TO DRIVEWAY ESMT FOR IN

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 Christina Jefferson CoOwner/Spouse _____
Signature Christina Jefferson Signature _____
Address 1699 Division st Address _____

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

JEFFERSON CHRISTINA M

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

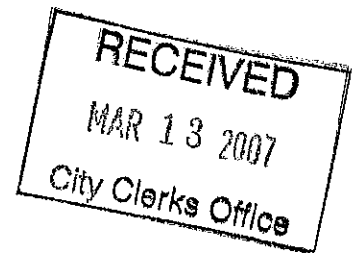
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Assessment Information

Property Address:	1700 DIVISION ST
Parcel Number	24-776-002-0013-00
Assessable Frontage:	43.5 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,392.00

Property Description

CITY OF MUSKEGON SUB OF PART OF LOT 3 BLK 506 BLK 2 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

Jo Settle

CoOwner/Spouse

Signature

Jo Settle

Signature

Address

1700 Division

Address

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

SETTLE JO ANN

33

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

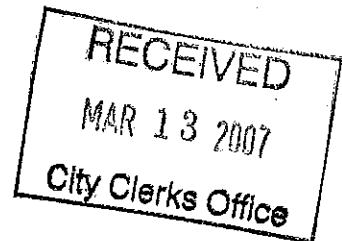
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Assessment Information

Property Address: 1741 DIVISION ST
Parcel Number 24-205-505-0010-01
Assessable Frontage: 55 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,760.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 LOT 10 EX W 150 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 Enrique Padilla

CoOwner/Spouse Bela Padilla

Signature Enrique Padilla

Signature _____

Address 1741 Division St

Address 1741 Division St

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

PADILLA ENRIQUE/BELIA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

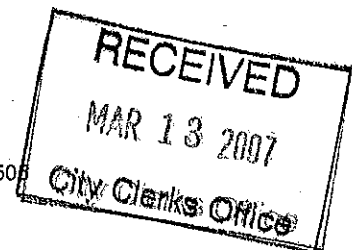
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Assessment Information

Property Address: **1645 DIVISION ST**
Parcel Number **24-205-505-0005-20**
Assessable Frontage: **44** Feet
Estimated Front Foot Cost: **\$32.00** per Foot
ESTIMATED TOTAL COST \$1,408.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 E 187.5 FT OF N 44 FT OF S 88 FT OF LOT 5 BLK 505



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 Xavier Cardenas CoOwner/Spouse _____

Signature Xavier Cardenas Signature _____

Address 1645 Division St. Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

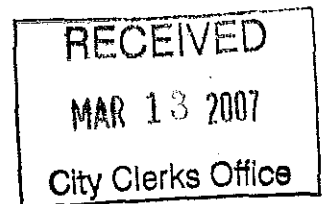
Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**
Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address: **1691 DIVISION ST**
Parcel Number **24-205-505-0007-07**
Assessable Frontage: **89** Feet
Estimated Front Foot Cost: **\$32.00** per Foot
ESTIMATED TOTAL COST \$2,848.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 N 89 FT OF E 132 FT LOT 7 BLK 505

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 Martin Delgado Ochoa CoOwner/Spouse Juana Delgado
Signature Martin Delgado Signature Juana Delgado
Address 1691 Division Address 1691 Division

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

DELGADO OCHOA MARTIN/JUANA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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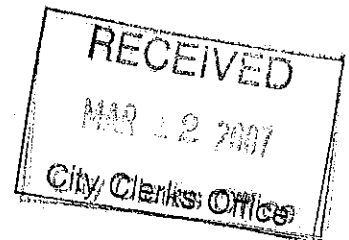
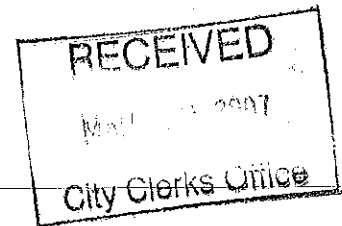
Assessment Information

Property Address: **1781 DIVISION ST**
Parcel Number **24-205-505-0013-08**
Assessable Frontage: **40** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$1,280.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 S 40 FT OF N 96 FT OF E 175 FT OF LOT 13 BLK 505



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 Dolores T. Belonga

CoOwner/Spouse _____

Signature [Signature]

Signature _____

Address 1781 Division St.

Address _____

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

BELONGA DELORES J

2

*Stop the Sewer From using Division
Need Load Limits*

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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

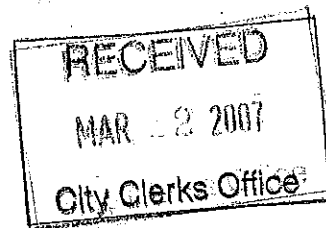
Assessment Information

Property Address: **1584 DIVISION ST**
Parcel Number **24-205-488-0008-00**
Assessable Frontage: **60** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$1,920.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 488 N 60 FT OF 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

William Fors

CoOwner/Spouse

Linda Fors

Signature

William Fors

Signature

Linda Fors

Address

1584 DIVISION

Address

1584 DIVISION ST

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

FORS WILLIAM

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

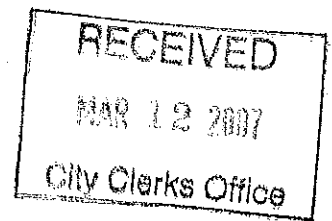
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Assessment Information

Property Address: 1749 DIVISION ST
Parcel Number 24-205-505-0011-02
Assessable Frontage: 88 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,816.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 5405 LOT 11 EX W 245 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

Mike Blohm

CoOwner/Spouse

Benita S Blohm

Signature

Michael Blohm

Signature

Benita S Blohm

Address

1749 Division

Address

1749 Division 49441

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

BLOHM MICHAEL/BENITA A

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.
Project Description NEW CONSTRUCTION

INSTRUCTIONS

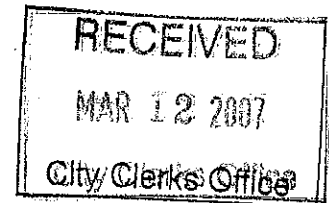
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Assessment Information

Property Address: 1644 DIVISION ST
Parcel Number 24-775-000-0011-00
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,280.00

Property Description

CITY OF MUSKEGON SUB OF LOTS 1-2 & PART OF LOT 3 BLK 506 LOT 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 Juan Barajas
Signature Juan Barajas
Address 1644 Division St

CoOwner/Spouse Sylvia Barajas
Signature Sylvia Barajas
Address 1644 Division St

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

BARAJAS SYLVIA/BARAJAS JUAN

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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Assessment Information

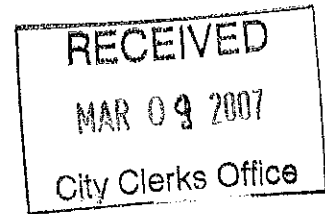
Property Address: **890 W LAKETON AVE**

Parcel Number **24-205-505-0013-09**

Assessable Frontage: **76.3** Feet

Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$2,441.60



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 E 125 FT OF S 80 FT LOT 13 EXC W 11 FT OF N 37 FT TH'OF & EXC A TRIANGULAR PC IN SE COR COM AT SE COR LOT 13 TH N 3.7 FT TH SWLY TO S LINE OF LOT TH E 3.7 FT TO BEG

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 PETER J. MADISON CoOwner/Spouse _____

Signature Peter J. Madison Signature _____

Address 890 W. LAKETON AVE. Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **DIVISION ST., LAKETON AVE TO SOUTHERN AVE.**

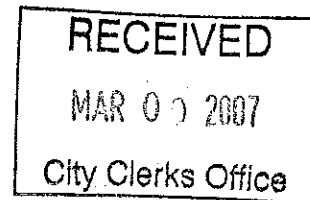
Project Description **NEW CONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **1637 DIVISION ST**
Parcel Number **24-205-505-0005-00**
Assessable Frontage: **44** Feet
Estimated Front Foot Cost: **\$32.00** per Foot



ESTIMATED TOTAL COST \$1,408.00

Property Description

CITY OF MUSKOGON REVISED PLAT OF 1903 BLK 505 N 44 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 Anita M. Alviar CoOwner/Spouse _____

Signature Anita M. Alviar Signature _____

Address 1641 Division Address _____

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

ALVIAR ANITA M

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 13, 2007

Project Title: DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

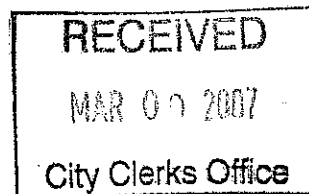
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1641 DIVISION ST
Parcel Number 24-205-505-0005-10
Assessable Frontage: 44 Feet
Estimated Front Foot Cost: \$32.00 per Foot



ESTIMATED TOTAL COST \$1,408.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 505 S 44 FT OF N 88 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

Alviar
Anita M. Alviar

CoOwner/Spouse

Signature

Anita M. Alviar

Signature

Address

1641 Division St.

Address

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

ALVIAR ANITA M

17

H-1526 DIVISION ST., LAKETON AVE TO SOUTHERN AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 46										
			FOR					OPPOSE					
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET	
TOTAL ASSESSABLE FRONT FOOTAGE	2547.20 ***		38	1652	DIVISION	24-776-003-0011-00	41.25	1	890	W LAKETON	24-205-505-0013-09	76.30	
FRONT FEET OPPOSED	950.55	37.32%	30	1728	DIVISION	24-776-002-0009-00	43.50	46	1576	DIVISION	24-205-488-0007-00	42.00	
			10	1711	DIVISION	24-205-505-0009-07	37.00	45	1584	DIVISION	24-205-488-0008-00	60.00	
RESPONDING FRONT FEET IN FAVOR	208.75	8.20%	12	1699	DIVISION	24-205-505-0007-08	42.00	20	1613	DIVISION	24-205-505-0001-10	71.00	
			14	1675	DIVISION	24-670-000-0013-00	45.00	19	1621	DIVISION	24-205-505-0001-00	71.00	
NOT RESPONDING - FRONT FEET IN FAVOR	1387.90	54.49%						41	1630	DIVISION	24-775-000-0009-00	40.00	
									18	1637	DIVISION	24-205-505-0005-00	44.00
TOTAL FRONT FEET IN FAVOR	1596.65	62.68%						17	1641	DIVISION	24-205-505-0005-10	44.00	
									39	1644	DIVISION	24-775-000-0011-00	40.00
									16	1645	DIVISION	24-205-505-0005-20	44.00
									13	1691	DIVISION	24-205-505-0007-07	89.00
									33	1700	DIVISION	24-776-002-0013-00	43.50
									11	1707	DIVISION	24-205-505-0008-00	45.00
									6	1741	DIVISION	24-205-505-0010-01	55.00
						5	1749	DIVISION	24-205-505-0011-02	88.00			
						2	1781	DIVISION	24-205-505-0013-08	40.00			
							23	1571	DIVISION	24-205-89-0011-00	57.75		

Date: March 13, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
MCGRAFT PARK RD., ADDISON ST. TO GLENSIDE BLVD.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **MCGRAFT PARK RD., ADDISON ST. TO GLENSIDE BLVD.** project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2007-25 (d)

Resolution At First Hearing Creating Special Assessment District
For **Mcgraff Park Rd. from Addison St. To Glenside Blvd.**

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

RECITALS:

1. A hearing has been held on **March 13, 2007** 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 13, 2007**, there were 0.0 % 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 Wierengo and Davis 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 **39.72%** 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 Davis, Gawron, Shepherd, Spataro, Warminster,
Wierengo, and Carter

Nays None

CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 13, 2007**. 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 Ann Marie Becker
Ann Marie Becker, City Clerk

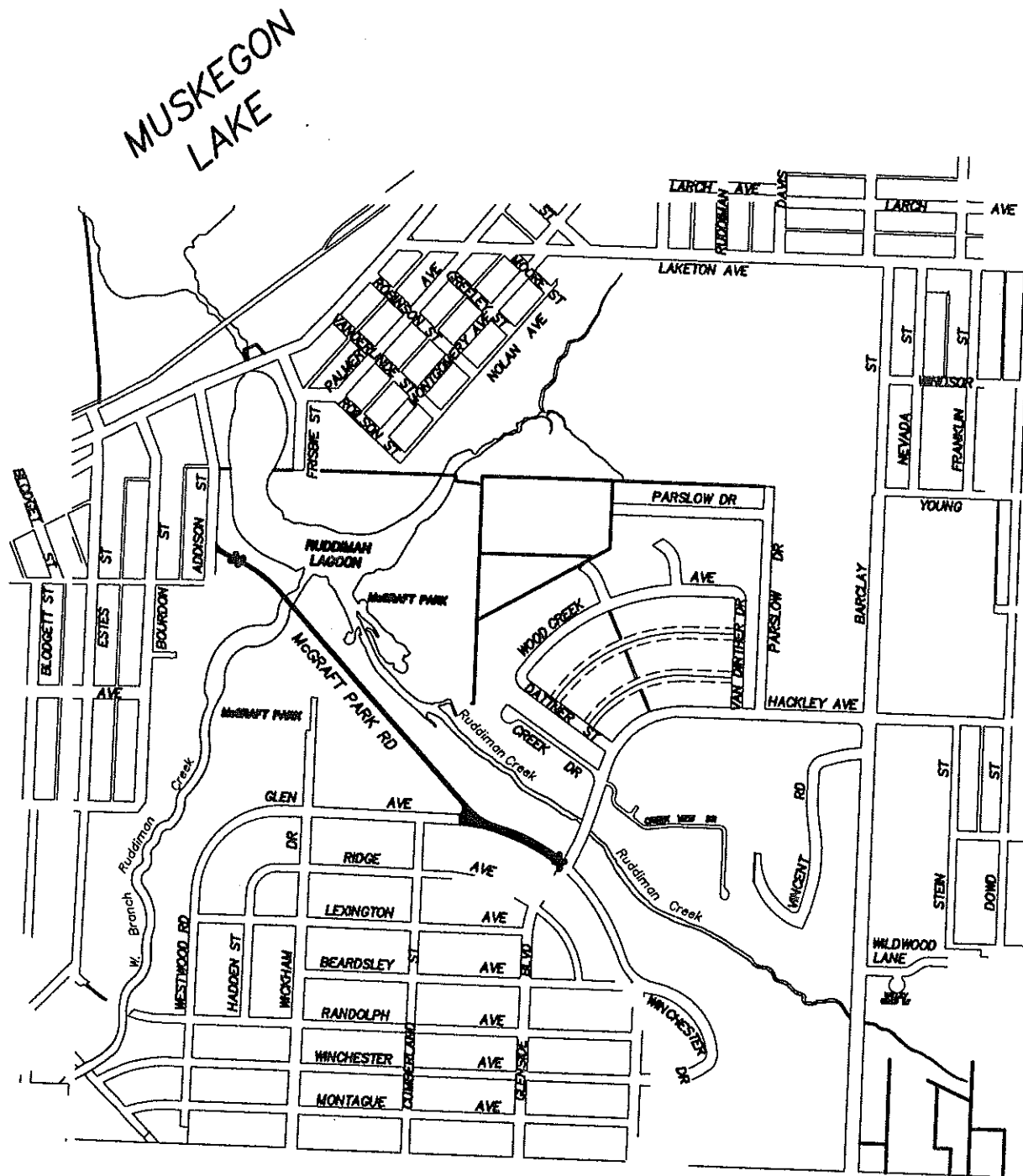
EXHIBIT A

McGraft Park Rd. from Addison St. to Glenside Blvd.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **McGraft Park RD., from Addison St. to Glenside Blvd.**

EXHIBIT "A"
SPECIAL ASSESSMENT DISTRICT



NO SCALE

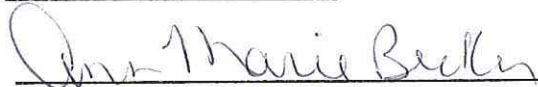
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

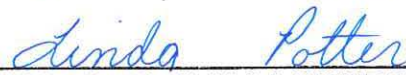
TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

McGraft Park Rd., Addison St. to Glenside Blvd.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2nd DAY OF MARCH, 2007.


ANN MARIE BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
5th DAY OF March, 2007.


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**DIVISION ST., LAKETON AVE. TO SOUTHERN AVE.
AND
MCGRAFT PARK. RD., ADDISON ST. TO GLENSIDE BLVD.**

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

All parcels abutting Division St., from Laketon Ave. to Southern Ave.

And

All parcels abutting McGraft Park. Rd., from Addison St. to Glenside Blvd.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 13, 2007 AT 5:30 O'CLOCK P.M**

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

By City Charter, if the owners of more than one-half of the 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.

PUBLISH: **March 3, 2007**

Ann Marie Becker, City Clerk

ADA POLICY

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

Ann Marie Becker, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

ENGINEERING FEASIBILITY STUDY
McGraft Park Rd. from
Addison St. to Glenside Blvd.

The proposed reconstruction of McGraft Park Rd., from Addison St. To Glenside Blvd., see attached special assessment district map, was initiated by the City due to the roadway's condition which has reached a critical level. The proposed construction would consist of wider shoulder area (similar to Sherman between Grove & Beach) along the southwesterly side o the road to enhance pedestrian path. The section of McGraft between Addison & Glen will not have any curbs and gutters but that section between Glen & Glenside will.

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 \$335,000.00 with the length of the project being approximately 2,700 lineal feet or 4,157.86 of assessable front footage. This translates into an estimated improvement cost of \$81 per assessable foot. However, based on the 2007 assessment figure for this type of improvement the assessment will not exceed \$32.00 per assessable foot.

While the preliminary proposed assessment rate on the resolution is 39.72%, the actual rate, upon completion of the project and at the time of spreading, will be limited to the 25% of total cost as amended in the special assessment policy.

February 15, 2007

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Mc Graft Park Road between Addison Road 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 February 15, 2007.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project except for parcel numbers 24-382-022-0007-00, 24-382-022-0006-00, 24-382-022-0005-00, 24-382-022-0004-00, 24-382-000-9997-00, 24-036-300-0001-00 & 24-036-300-0002-00. It has been determined these parcels would not significantly benefit from the McGraft Park Road project as explained in the report (pg 10). I have examined the effects of removing those parcels from the special assessment project.

The total project cost is estimated to be \$275,000. The amount of money to be spread to the property owners by special assessment, minus the above mentioned parcels has been estimated at \$133,051.52 or 48% of the total project cost. This equates to \$32.00 per linear foot. The analysis indicates a possible enhancement of \$33.43 per front foot. (TVC \$2,779,900 x 5% / 4157.86 front feet)

The amounts for the remaining parcels 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. Therefore, I would conclude that the front foot rate of \$32.00 for the reconstruction of the proposed project area appears reasonable in light of the analysis that indicates a possible enhancement of \$33.43. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

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

***Benefit Analysis for the McGraft Park Road Reconstruction Project
H-1627***

Sincerely,

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

Dennis W. Burns, CMAE 3

Assessment Administration Supervisor

March 2, 2007

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

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

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

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

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

A public hearing is also scheduled for this project on MARCH 13, 2007. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

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

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

March 2, 2007

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 5

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

MC GRAFT PARK ROAD, ADDISSON ST. TO GLENSIDE BLVD.

The proposed special assessment district will be located as follows:

All parcels abutting McGraft Park Road from Addison St. to Glenside Blvd.

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 13, 2007 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 \$335,000.00 of which approximately 39.72% (\$133,051.52) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
MCGRIFT PARK ROAD, ADDISON ST. TO GLENSIDE BLVD - H 1627
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

_____ **Wage earner:** _____

_____ **Wage earner:** _____

_____ **Wage earner:** _____

Total: \$ _____

PROPERTY INFORMATION

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

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

Property Taxes: () Current () Delinquent Year(s) Due _____
 (Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

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

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
MCGRAFT PARK ROAD, ADDISON ST. TO GLENSIDE BLVD - H 1627
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear City of Muskegon Owner-Occupied Resident:

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

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 50% of Area Median Income** (see chart below). Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2006, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2006

SPECIAL ASSESSMENT MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT (50% AMI)
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300

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

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

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

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

The City reserves the right to verify all application information. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 13, 2007**

Project Title: **MC GRAFT PARK ROAD, ADDISSON ST. TO GLENSIDE BLVD.**
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	75 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,400.00

Property Description

CITY OF MUSKEGON GLENSIDE SUB-DIVISION #2 BLK 22 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.

OWNERS NAME

SPECIAL ASSESSMENT

H 1627

RECONSTRUCTION

HEARING DATE

MARCH 13, 2007

MC GRAFT PARK ROAD, ADDISSON ST. TO GLENSIDE BLVD.

5	STEVENS JOHN E/DAWN M	ASSESSABLE FEET:	75
24-382-022-0003-00	1455 GLEN AVE	COST PER FOOT:	\$32.00
@ 1455 GLEN AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,400.00

8	CITY OF MUSKEGON	ASSESSABLE FEET:	1929.2
24-205-543-0007-00	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 1471 NOLAN AVE	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$61,734.40

9	CITY OF MUSKEGON	ASSESSABLE FEET:	828
24-205-614-0001-00	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 1550 GLEN AVE	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$26,496.00

10	CITY OF MUSKEGON	ASSESSABLE FEET:	1325.66
24-205-610-0001-00	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 1705 LAKESHORE DR	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$42,421.12

SUM OF ASSESSABLE FOOTAGE	4157.86	SUM OF ESTIMATED P.O. COST:	\$133,051.52
TOTAL NUMBER OF ASSESSABLE PARCELS	4.00		

Commission Meeting Date: March 13, 2007

Date: March 7, 2007
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department W.G.
RE: Public Hearing concerning 2007 – 2008
CDBG/HOME recommendation and City
Commission Preliminary decision.

SUMMARY OF REQUEST: To conduct a public hearing concerning the CDBG/HOME 2007-2008 recommendation, submitted by both the administration and the Citizen's District Council.

The public hearing is to obtain comments from the public in reference to the 2007-2008 CDBG/HOME allocation funding which is designated to be \$1,060,000 and \$301,760 respectively, excluding any program income and reprogrammed funding.

The 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 10, 2007. After that date the CNS office will continue the Citizen Participation process until at least April 17, 2007 at or near that date the City of Muskegon will request a release of funds from the U.S. department of Housing and Urban Development.

FINANCIAL IMPACT: The 2007-2008 allocations will be based on the Commission decision.

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 recommendations are included with the recommendations submitted by the administration.

Community Development Block Grant

Organization/Agency	Activity	Amount Requested	Administration Recommendation	CDC Rec	City Commission Preliminary Rec.	City Comm Final Determination
Love INC	Handicap Ramps	\$5,000	\$2,500	\$3,000		
American Red Cross	Senior Transit	\$5,000	\$2,500	\$3,000		
West Michigan Veterans	Food Bank/Transportation	\$2,500	\$2,500	\$3,000		
Sacred Suds	Laundry/Shower	\$6,000	\$1,000	\$3,000		
DPW	Senior Transit	\$67,645	\$40,000	\$40,000		
CDBG Code Enforcement	Code Enforcement	\$47,500	\$40,000	\$40,000		
Community Economic Development	Façade	\$10,000	\$7,500	\$6,500		
CDBG Service Delivery	Delivery Service	\$120,000	\$75,000	\$75,000		
Finance Bond Repayment	Bond	\$245,000	\$245,000	\$245,000		
HealthCare	Health Outreach	\$7,378	\$2,500	\$3,000		
Legal Aid	Legal Services	\$5,000	\$2,500	\$3,000		
Muskegon Community Health Project	Lead Safe Now! Muskegon	\$7,500	\$2,500	\$3,000		
CDBG Administration	Admin	\$215,000	\$195,000	\$195,000		
Street Construction	Street	\$60,000	\$40,000	\$40,000		
Leisure Services	Recreation	\$94,875	\$65,000	\$65,000		
CDBG Siding	Siding	\$225,000	\$185,000	\$185,000		
CDBG Emergency Repair	Emergency Repair	\$225,000	\$180,000	\$180,000		
Dangerous Buildings	Demolition	\$41,400	\$50,000	\$47,500		
Total CDBG Request		\$1,389,798	\$1,138,500	\$1,140,000		
Total CDBG Allocated + PI		\$1,060,000	\$1,060,000	\$1,060,000		
(+) Program Income		\$88,000	\$88,000	\$88,000		
		\$1,148,000	\$1,148,000	\$1,148,000		
Allocated/Request Difference		\$241,798	\$9,500	\$8,000		
Total Amt of Public Service*		\$200,898	\$121,000	\$126,000		
Public Service mandated Amt <= to 15%		\$159,000	\$159,000	\$159,000		
Difference		\$41,898	\$38,000	\$33,000		
Total Amt of City Administration Request**		\$215,000	\$195,000	\$195,000		
Administrative mandated Amt < 20%		\$212,000	\$212,000	\$212,000		
Difference		-\$3,000	\$17,000	\$17,000		

HOME

Organization/Agency	Activity	Amount Requested	Administration Recommendation	CDC Rec	City Commission Preliminary Rec.	City Comm Final Determination
Bethany Housing Ministries	Housing Transition Asst	\$45,000	\$30,000	\$30,000		
Community & Neighborhood Servicesc	HOME Administration	\$30,176	\$30,176	\$30,176		
Community & Neighborhood Servicesc	HOME Tax Reverted Rehabilitation	\$110,000	\$80,000	\$80,000		
Community & Neighborhood Servicesc	HOME Rental Rehabilitation	\$70,000	\$20,000	\$30,000		
Community & Neighborhood Servicesc	HOME Infill New Construction	\$110,000	\$100,000	\$100,000		
Muskegon County Habitat for Humanity	Infrastructure/construction (5 homes)	\$84,000	\$70,000	\$70,000		
Neighborhood Investment Corporation	Home purchase rehab loans	\$100,000	\$65,000	\$65,000		
Total HOME Request		\$549,176	\$395,176	\$405,176		
Total HOME Allocated		\$301,760	\$301,760	\$301,760		
(+) Program Income		\$125,000	\$125,000	\$125,000		
		\$426,760	\$426,760	\$426,760		
Allocated/Request Difference		\$122,416	\$31,584	\$21,584		
Total Amt of HOME Administration***		\$30,176	\$30,176	\$30,176		
Total Amt mandated Amt = 10%		\$30,176	\$30,176	\$30,176		
Difference		\$0	\$0	\$0		
Total Amt of HOME CHDO request****		\$229,000	\$116,250	\$116,250		
Total Amt mandated 15%		\$45,264	\$45,264	\$45,264		
Difference		\$183,736	\$70,986	\$70,986		

NOTE:

* Pulic Service

** City CDBG Administration

***Home Administration

****CHDO Request

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(SHEET:CDBG-HOME ACT)

Community Development Block Grant

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(SHEET:CDBG-HOME ACT)

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MUSKEGON
CITY MANAGER'S OFFICE
CITY MANAGER'S OFFICE

Date: March 6, 2007

To: Honorable Mayor and City Commissioners

From: Lee J. Slaughter, Assistant City Manager

**Re: Amendment to the 2007 Master Fee Schedule
Hartshorn Marina Boat Slip and Mooring Rate Increase**

SUMMARY OF REQUEST:

To amend the 2007 Marina boat slip/mooring fees. The increase is being requested due to the Michigan State Waterways Commission (Commission) action that took place on February 23, 2007. The increase on average is 3.3% in both Standard Transient and Seasonal Rate Areas.

FINANCIAL IMPACT:

Potential to increase in slip rental revenues at Hartshorn Marina

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval, to adopt the rates as required

COMMITTEE RECOMMENDATION:

None