

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 8, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
- **INTRODUCTIONS/PRESENTATION:**
- **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. Polling Place Change. CITY CLERK
 - C. Request to Fly the Irish Flag. CITY CLERK
 - D. SECOND READING: Zoning Ordinance Amendment for Residential Design Criteria. PLANNING & ECONOMIC DEVELOPMENT
 - E. SECOND READING: Rezoning Request for Property Located at 1282 Arthur Street. PLANNING & ECONOMIC DEVELOPMENT
 - F. Additional Taxicabs. CITY CLERK
 - G. 2005 Bryne Memorial Grant (JAG) Program. PUBLIC SAFETY
 - H. Amend the Long Range Plan Submittal to Include the Downtown Development Project. ENGINEERING
 - I. Public Service Building Modifications. PUBLIC WORKS
 - J. 2005 - 2006 City Commission Goals. CITY MANAGER
- **PUBLIC HEARINGS:**
 - A. Request for the Establishment of an Industrial Development District – Port City Industrial Finishing. PLANNING & ECONOMIC DEVELOPMENT
 - B. Request for an Industrial Facilities Exemption Certificate – Port City

Industrial Finishing. PLANNING & ECONOMIC DEVELOPMENT

C. **Create a Special Assessment District for Pine Street, Laketon to Dale.**
ENGINEERING

D. **Create a Special Assessment District for Fifth Street, Campus to Merrill.**
ENGINEERING

E. **Taxicab Rates.** CITY CLERK

F. **Recommendation for Annual Renewal of Liquor Licenses.** CITY CLERK

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

A. **User Fee Adjustment - Daily Launch Ramp Fees.** FINANCE

B. **Amendment to the Wastewater System's Access Rights Agreement.**
CITY MANAGER

C. **Consideration of Bids - Walton Ave., Murphy to Emerald.** ENGINEERING

D. **Liquor License Request - GFB, L.L.C., 1920 Lakeshore.** CITY CLERK

E. **Approval of Sale of Property: City of Muskegon Assessors Plat of Stevens Sub Division Lot 7 & East 10 Feet Lot 6.** COMMUNITY & NEIGHBORHOOD SERVICES

F. **2005-2006 CDBG/HOME Preliminary Funding Allocations.** COMMUNITY & NEIGHBORHOOD SERVICES

G. **Consideration of Proposals for Construction Engineering Services on Shoreline drive Phase II (First to Webster).** ENGINEERING

❑ **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.)

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

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

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

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

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 8, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 8, 2005.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

HONORS AND AWARDS: Mayor Warmington announced that City Manager Bryon Mazade was awarded a Certificate of Special Recognition by the Michigan Local Government Management Association.

2005-23 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 22, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Polling Place Change. CITY CLERK

SUMMARY OF REQUEST: To approve the request to modify the polling places as follows:

Precinct # 2 change to Steele School, 1150 Amity Avenue.

Oakview School use to house both precinct 2 and 3 in their gym. Turnout at the elections last year showed us that the location is too small for both precincts. Precinct # 3 will stay at Oakview School and we are recommending the use of Steele School for Precinct # 2.

Precinct # 8 change location to Nelson School, 550 W. Grand.

This precinct used to be at Craig School. Last year school officials informed us that because of the type of student that attends the school, the election process would be too distracting to students. We investigated other locations, but Nelson has a large gym for our use with a door adjacent to the gym. There is parking available close to the entrance to the polling place.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approve the changes as recommended.

C. Request to Fly the Irish Flag. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Irish American Society is requesting permission to fly the Irish Flag outside City Hall on Thursday, March 17th through Wednesday, March 23rd to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

D. SECOND READING: Zoning Ordinance Amendment for Residential Design Criteria. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units decreasing the minimum required storage space from 15% to 10% in each multi-family dwelling unit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding residential design criteria language.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/10/05 meeting. B. Mazade, T. Johnson, S. Warmington, T. Michalski, B. Turnquist, J. Aslakson, and L. Spataro voted in favor of the change. B. Smith and T. Harryman were absent.

E. SECOND READING: Rezoning Request for Property Located at 1282 Arthur Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City of

Muskegon, located at 1282 Arthur Street, from RM-1, Low Density Multiple Family Residential to R-1, Single Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/10/05 meeting. The vote was unanimous with T. Harryman and B. Smith absent.

F. Additional Taxicabs. CITY CLERK

Withdrawn per request of applicant.

G. 2005 Byrne Memorial Grant (JAG) Program. PUBLIC SAFETY

SUMMARY OF REQUEST: Request that the City Manager and Director of Public Safety be authorized to sign the Interlocal Agreement between the City of Muskegon, City of Muskegon Heights and the County of Muskegon for a (Justice Assistance Grant) Byrne Memorial Grant Application Number 2005-F1706-MI-DJ. The City of Muskegon has not been designated a direct single award under the (JAG) Byrne Memorial Grant for the 2005 Fiscal Year. However, an allocation has been made for a Joint Application between the County of Muskegon, City of Muskegon and the City of Muskegon Heights in the amount of \$92,167.

FINANCIAL IMPACT: The City of Muskegon will not be responsible for any match funds or outlays for this program. The Grant will provide \$92,167 to fund an assistant prosecutor position with the County Prosecutor's Office and to reinstate Project Cornerstone under the title of Project Cornerstone II.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends entering into the Interlocal Agreement with the County of Muskegon and the City of Muskegon Heights. Project Cornerstone has had a positive impact in a number of our higher crime areas in the past. It allows for prosecutor's office participation in curfew sweeps and direct involvement with the neighborhoods and neighborhood associations.

I. Public Service Building Modifications. PUBLIC WORKS

SUMMARY OF REQUEST: Phase one consists of one room being modified to make two offices to accommodate a supervisor who is now working in a temporary area. Phase two consists of constructing a new office to accommodate the consolidation of the forestry department into the Public Service Building.

FINANCIAL IMPACT: \$17,052. \$70,000 has been earmarked for capital needs at the Public Service Building in 2005.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Recommend approval.

J. 2005 - 2006 City Commission Goals. CITY MANAGER

SUMMARY OF REQUEST: To adopt the 2005-2006 City Commission goals.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Vision, Value and Mission statements and the 2005-2006 goals.

COMMITTEE RECOMMENDATION: The City Commission determined these goals at their annual goal setting session on January 28, 2005.

K. Accept Resignations and Make Appointments to Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To accept the resignation of Lynn Alrich Spearing from the Equal Opportunity Committee and Eileen Allen from the Land Reutilization Committee. To appoint Sue Thompson to the Historic District Commission; Rebecca Flowers to the Leisure Services Board; Jodi McClain to the Land Reutilization Committee; Trent Lidke to the Equal Opportunity Committee; and David Wotli to the Local Development Finance Authority.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To accept resignations and make appointments.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the acceptance of the resignations and appointments at their March 7th meeting.

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

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

Nays: None

MOTION PASSES

2005-24 ITEM REMOVED FROM THE CONSENT AGENDA:

H. Amend the Long Range Plan Submittal to Include the Downtown Development Project. ENGINEERING

SUMMARY OF REQUEST: Authorization to submit the streets within the downtown development project (Former Mall Area) to the West Michigan Shoreline

Regional Development Commission for inclusion in the Long Range Plan to ensure eligibility for possible federal funding. The streets that were identified by staff for inclusion are:

- Western Ave. between Terrace & Third
- Second St. between Morris & Clay
- First St. between Morris & Clay
- Jefferson/Market St. between Terrace & Clay

The resolution is required as part of the submittal to commit the local match if project funding is granted.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the project submittal and resolution.

Motion by Commissioner Davis, second by Vice Mayor Larson to amend the Long Range Plan Submittal to include the Downtown Development Project and to amend the plan year to 2030 instead of 2025.

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

Nays: None

MOTION PASSES

2005-25 PUBLIC HEARINGS:

A. Request for the Establishment of an Industrial Development District – Port City Industrial Finishing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Port City Industrial Finishing, 1867 Huizenga Avenue, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 1867 Huizenga, Muskegon, Michigan. The project will result in \$250,000 in private investment.

FINANCIAL IMPACT: Certain property taxes will be collected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing the Industrial Development District for Port City Industrial Finishing.

The Public Hearing opened at 5:42 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Vice Mayor Larson to close the Public Hearing at 5:43 p.m. and approve the resolution establishing the Industrial Development District for Port City Industrial Finishing.

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

Nays: None

MOTION PASSES

B. Request for an Industrial Facilities Exemption Certificate – Port City Industrial Finishing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Port City Industrial Finishing, 1867 Huizenga Avenue, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1867 Huizenga Street, Muskegon. The total capital investment is approximately \$250,000 in personal property. This request qualifies Port City Industrial Finishing for a 6-year exemption for personal property. Port City Industrial Finishing's current workforce is 55.

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 six (6) years for personal property.

The Public Hearing opened at 5:44 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Vice Mayor Larson, second by Commissioner Davis to close the Public Hearing at 5:46 p.m. and approve the Industrial Facilities Exemption Certificate for Port City Industrial Finishing.

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

Nays: None

MOTION PASSES

C. Create a Special Assessment District for Pine Street, Laketon to Dale. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for Pine Street, Laketon to Dale, 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.

The Public Hearing opened at 5:46 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:49 p.m. and approve the Special Assessment District for Pine Street, Laketon to Dale.

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

Nays: None

MOTION PASSES

Mayor Warmington and Commissioner Spataro were assigned to the Board of Assessors.

D. Create a Special Assessment District for Fifth Street, Campus to Merrill.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for Fifth Street, Campus to Merrill, 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.

The Public Hearing opened at 5:50 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Vice Mayor Larson, second by Commissioner Carter to close the Public Hearing at 5:53 p.m. and create the Special Assessment District for Fifth Street, Campus to Merrill.

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

Nays: None

MOTION PASSES

Commissioner Shepherd and Commissioner Gawron were assigned to the Board of Assessors.

E. Taxicab Rates. CITY CLERK

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab for an increase in Taxicab fares. The last time there was a change in rates was November 10, 1998. The requested changes are as follows:

Current rates

Flag Drop: \$1.65 (first 1/10 mile)
Each 1/10 Mile \$.15 (\$1.50 per full mile)
Wait Time \$12.00 per hour

Proposed rates

Flag Drop: \$2.00 (first 1/7 mile)
Each 1/7 Mile \$.25 (\$1.75 per full mile)
Wait Time \$18.00 per hour
Out of town trips \$2.00 per mile

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

The Public Hearing opened at 5:54 p.m. to hear and consider any comments from the public. Comments for approval were heard from Craig Hall, 1776 Division and Nell Williams, 391 Amity.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to close the Public Hearing at 5:57 p.m. and grant approval of the increase in taxicab fares.

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

Nays: None

MOTION PASSES

F. 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, 2005, 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.

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. Comments were heard from Sue Payne, 753 Ruddiman; and Steve Seng, 3701 E. Broadway.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 6:05 p.m. and recommend the annual renewal of liquor licenses with the exception of those listed.

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

Nays: None

MOTION PASSES

2005-26 NEW BUSINESS:

A. User Fee Adjustment - Daily Launch Ramp Fees. FINANCE

SUMMARY OF REQUEST: Staff is recommending the following adjustment to the 2005 User Fee Schedule:

Creation of a new "Fishing Tournament Launch Ramp Fee" – 2005 user fees approved last year included an increase in daily launch ramp fees from \$5 to \$10. Interested parties have expressed concern that the increase may harm sponsored fishing tournaments which bring substantial economic benefit to the community. Staff concurs with this and recommends that a special tournament fee category be established at \$5 per day. Staff recommends keeping the regular daily launch ramp fee at the \$10 level. This will help cover operating costs for the Marina and Launch Ramp fund. Also, we are trying to incentivize boaters to purchase seasonal permits in lieu of daily permits because of the enforcement problems that daily permits pose. Seasonal permit fees were not increased for 2005. We have prepared a schedule showing how Muskegon's launch ramp fees compare with other communities. Although our fees are higher than many other communities, staff believes the pricing is appropriate due to the very high-quality of our facilities and boating opportunities.

FINANCIAL IMPACT: The impact of this adjustment on City revenues will be minor and is offset by the overall local economic benefit that fishing tournaments provide.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Larson, second by Commissioner Davis to approve the user fee adjustment to the daily launch ramp fees.

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

Nays: None

MOTION PASSES

B. Amendment to the Wastewater System's Access Rights Agreement.

CITY MANAGER

SUMMARY OF REQUEST: To approve the first amendment to the wastewater system's Access Rights Agreement. This amendment would eliminate the "buy-in" requirements of the Access Rights Agreement.

FINANCIAL IMPACT: None anticipated.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the amendment.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the amendment to the wastewater system's Access Rights Agreement.

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

Nays: None

MOTION PASSES

C. Consideration of Bids - Walton Ave., Murphy to Emerald. ENGINEERING

SUMMARY OF REQUEST: The paving as well as underground utility upgrade contract (H-1603) on Walton Avenue between Murphy St. & Emerald St. be awarded to Schultz Excavating, Inc. out of Ludington, MI. Schultz Excavating, Inc. was the lowest responsible bidder with a bid price of \$141,571.45.

FINANCIAL IMPACT: The construction cost \$141,571.45 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Schultz Excavating, Inc.

Motion by Vice Mayor Larson, second by Commissioner Carter to award the bid to the second lowest bidder which is Jackson-Merkey.

ROLL VOTE: Ayes: Shepherd, Warmington, Carter, and Larson

Nays: Spataro, Davis, and Gawron

MOTION PASSES

D. Liquor License Request - GFB, L.L.C., 1920 Lakeshore. CITY CLERK

SUMMARY OF REQUEST: The liquor license transfer request was approved by the City Commission on June 22, 2004, pending final inspection. The Liquor Control Commission is requiring an "unconditional" resolution in order for this to go forward.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the liquor license request for GFB, L.L.C., 1920 Lakeshore.

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

Nays: None

MOTION PASSES

E. Approval of Sale of Property: City of Muskegon Assessors Plat of Stevens Sub Division Lot 7 & East 10 Feet Lot 6. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the sale of the parcel described as City of Muskegon Assessors Plat of Stevens Sub Division Lot 7 & East 10 Feet Lot 6 to Trinity Nonprofit Housing Development for one dollar (\$1.00). Two years ago CNS office obtained the tax reverted home from the State of Michigan. CNS demolished the blighted structure that was on the site. The City intends to quit claim the parcel to Trinity in order to assist the nonprofit in building a single family home on the site that will eliminate a financial liability of Trinity's to the City of Muskegon.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the quit claim of the property to Trinity Housing.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the sale of property City of Muskegon Assessors Plat of Stevens Sub Division Lot 7 and East 10 Feet Lot 6 to Trinity Housing Development.

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

Nays: None

MOTION PASSES

F. 2005-2006 CDBG/HOME Preliminary Funding Allocations. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the allocation recommendation of the City's administration and the Citizen's District Council for the 2005-2006 fiscal year. After accepting the recommended allocations, the Commission is requested to make its preliminary allocation recommendation in order so the CNS office can

continue the Consolidated Plan process. The CNS office will conduct a public hearing on April 12, 2005. At that time the Commission will be asked to make their final allocations decision and to direct staff to submit the required information to the U. S. Department of Housing and Urban Development.

FINANCIAL IMPACT: Will determine the CDBG/HOME allocation for the 2005-2006 fiscal year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To accept the recommendation of the City of Muskegon Administration and the Citizen's District Council and then make the Commissions preliminary allocation decision.

Motion by Commissioner Gawron, second by Commissioner Carter to approve the CDBG preliminary funding allocations submitted by the Muskegon administration less the funds for the Community Based Organizations and to not go above the mandated 15% of the fund and for the remainder to be split proportionately between the two CHDOS.

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

Nays: None

MOTION PASSES

G. Consideration of Proposals for Construction Engineering Services on Shoreline Drive Phase II (First to Webster). ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with a consulting firm to provide complete construction engineering services on the second phase of Shoreline Drive between First & Webster Ave. A recommendation along with backup information will be presented at or before the work session of March 7, 2005. This request is being presented to you in this fashion due to lack of available time since construction is scheduled to begin later this month and approval from MDOT to hire a consulting firm was not granted until February 25, 2005.

FINANCIAL IMPACT: The cost for the engineering services would be from the MDOT grant.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommendation will be presented at or before the work session meeting of March 7th.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the consideration of proposals for construction engineering services on Shoreline Drive Phase II (First to Webster) as recommended by staff.

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

Carter

Nays: None

MOTION PASSES

2005-27 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Gawron, second by Commissioner Shepherd to go into Closed Session at 7:25 p.m. to discuss pending litigation.

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

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Carter to come out of Closed Session at 7:56 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Shepherd to concur with the City Attorney's recommendation.

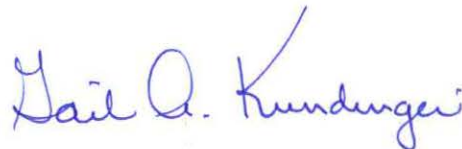
ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission adjourned at 7:58 p.m.

Respectfully submitted,

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

Gail A. Kunding, MMC
City Clerk

Date: March 8, 2005
To: Honorable Mayor and City Commission
From: Gail A. Kunding, City Clerk
RE: Polling Place Changes

SUMMARY OF REQUEST: To approve the request to modify the polling places as follows:

Precinct # 2 change to Steele School, 1150 Amity Avenue.

Oakview School use to house both precinct 2 and 3 in their gym. Turnout at the elections last year showed us that the location is to small for both precincts. Precinct # 3 will stay at Oakview School and we are recommending the use of Steele School for Precinct # 2.

Precinct # 8 change location to Nelson School, 550 W. Grand.

This precinct used to be at Craig School. Last year school officials informed us that because of the type of student that attends the school, the election process would be to distracting to students. We investigated other locations, but Nelson has a large gym for our use with a door adjacent to the gym. There is parking available close to the entrance to the polling place.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approve the changes as recommended.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON

Stephen J. Warmington Mayor
1524 Lakeshore Dr.
755-5057

Bill Larson (At Large) (Vice Mayor)
1555 Randolph
755-5358

Stephen J. Gawron (At Large)
1362 Palmer
755-3425

Ward I
Precincts 1,2 & 3
Chris Carter
943 Ada (Zip 49442)
777-4784

Ward II
Precincts 4,5 & 6
Clara Shepherd
408 Monroe (Zip 49441)
725-8130

Ward III
Precincts 7,8 & 9
Lawrence O. Spataro
1567 Sixth (Zip 49441)
725-9384

Ward IV
Precincts 10,11,12,& 13
Kevin Davis
3162 Boltwood (Zip 49441)
755-3978

POLLING PLACES

Precinct 1
Marquette School
480 Bennett
Muskegon, 49442
720-2600

Precinct 4
Smith-Ryerson
650 Wood
Muskegon, 49442
728-5395

Precinct 7
Moon School
1826 Hoyt
Muskegon, 49442
720-2700

Precinct 10
Glenside School
1213 W. Hackley
Muskegon, 49441
720-2500

Precinct 2
Steele School
1150 Amity
Muskegon, 49442
720-3000

Precinct 5
McLaughlin School
125 Catherine
Muskegon, 49442
720-2750

Precinct 8
Nelson School
550 W. Grand
Muskegon, 49441
720-2200

Precinct 11
McGraft Park
Community Bldg.
Muskegon, 49441
755-3170

Precinct 3
Oakview School
1420 Madison
Muskegon, 49442
720-2450

Precinct 6
Hackley Administration
349 W. Webster
Muskegon, 49440
720-2000

Precinct 9
Fire Station #4
1836 Robinson
Muskegon, 49441
724-3200

Precinct 12
Bunker School
2312 Denmark
Muskegon, 49441
720-2300

Precinct 13
Bluffton School
1875 Waterworks
Muskegon, 49441
720-2170

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Request to Fly the Irish Flag

SUMMARY OF REQUEST: The Muskegon Irish American Society is requesting permission to fly the Irish Flag outside City Hall on Thursday, March 17th through Wednesday, March 23rd to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



February 14, 2004

Linda Potter, Deputy City Clerk
City of Muskegon
933 Terrace Street
Muskegon MI 49443

Dear Ms. Potter,

The Muskegon Irish American Society is submitting its request to fly the Irish Flag beginning on Thursday, March 17, 2005 to celebrate St. Patrick's Day. The Irish population of Muskegon enjoys seeing the flag displayed at such a prominent location during this time of year.

The flag measures 3' X 5' and consists of 3 stripes, green, white and orange.

The officers of the Muskegon Irish American Society are:
President- Kevin Donovan, 1086 Ireland, Muskegon MI 49441
Vice President- Kathleen Marek, 2504 Letart, Muskegon MI 49441
Treasurer- Kevin Donovan, 1086 Ireland, Muskegon MI 49441
Secretary- Jeanne O'Brien, 8985 Lakeshore, West Olive MI 49460
Program Chairperson- Mary Anne Gorman, 3475 Lake Dunes Drive, Muskegon MI 49456

We request that the flag be flown from Thursday, March 17th through Wednesday March 23rd in front of City Hall. As in the past, I can collect the flag from the Engineering Dept.

Our organization is a non-profit social organization.

I am the contact person who will be responsible for the flag's condition and presentation. We would like to gather at approximately 5:30 PM on March 17th to raise the flag. The entire activity takes approximately 10 to 15 minutes. Please inform me if the above request is granted. We appreciate the past cooperation of the City of Muskegon.

Sincerely,

Kevin Donovan, President
Muskegon Irish American Society
Phone: 231-722-4237
1086 Ireland
Muskegon MI 49441

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

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

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

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

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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

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

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

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

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

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

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

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

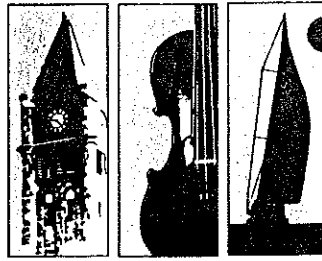
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

February 22, 2005

Kevin Donovan, President
Muskegon Irish American Society
1086 Ireland
Muskegon, MI 49441

Thank you for your request to fly the Irish Flag March 17th through March 23rd in front of City Hall. This request will be presented to the City Commission at their March 8th meeting.

If you have any questions, please call me at (231) 724-6915.

Thank you,

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

Linda Potter
Deputy Clerk

Commission Meeting Date: February 22, 2005

Needs 2nd Reading

Date: February 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Zoning Ordinance Amendment for Residential Design Criteria

SUMMARY OF REQUEST:

Request to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units decreasing the minimum required storage space from 15% to 10% in each multi-family dwelling unit.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend language regarding residential design criteria language.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/10 meeting. B. Mazade, T. Johnson, S. Warmington, T. Michalski, B. Turnquist, J. Aslakson, and L. Spataro voted in favor of the change. B. Smith and T. Harryman were absent.

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

February 10, 2005

Hearing, Case 2005-02 – Staff initiated request to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units

BACKGROUND

The Zoning Board of Appeals (ZBA) recently granted a variance allowing only 10% storage space for a multi-family development at 860 Marquette Avenue, whereas 15% is required by ordinance. Staff feels that the minimum 15% storage requirement may be unreasonable for multi-family units due to the fact that most multi-family units do not have basements, thus making it more difficult to provide the required 15% minimum storage for each of the units than if they did have basements. Staff feels that in a multi-family apartment-type setting, adequate storage can be provided for at 10% of interior living space of each unit of the dwelling. The following is an excerpt from the minutes of the November 9, 2004 ZBA minutes that helps explain the reasoning behind the approval of the variance:

The following findings of fact were offered: There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district because the homes that are being built are on a concrete slab. The dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity because other homes have basements which allow them to meet the zoning ordinance in regards to storage. These homes will be built on a concrete slab, which creates limited space to work with for storage. Authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest because this would allow for the project to proceed as is and allow for the garages to remain the size they are proposed to be. The alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner because this project will have ample storage, but it isn't what the ordinance requires. The alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner because it would make the construction of the project more reasonable. The requested variance is the minimum action required to eliminate the difficulty because the proposed project has storage of 10% as opposed to the 15% the zoning ordinance requires.

NEW INFORMATION

As requested, staff has contacted several surrounding communities to inquire as to any minimum storage requirements as part of their zoning ordinances. We contacted the following communities and their responses were as follows:

Muskegon Heights – No requirements
North Muskegon – No requirements
Norton Shores – No requirements
Roosevelt Park – No response
Muskegon Township – No requirements
Whitehall Township – No response
Fruitport Township – No requirements
Dalton Township – No requirements
Ann Arbor – No requirements
Detroit – No requirements

Staff was also asked to investigate a couple of other issues regarding this request.

1. **Where did the original 15% number come from?** *Previous zoning staff tells me that the original intent of this language was to incorporate it into the single-family zoning requirements as a way of keeping the number of low-end houses built in the City of Muskegon to a minimum. It somehow was applied to other residential uses as well*
2. **How often have we had requests for a variance to these standards?** *It appears that most multi-family developments in the past several years have utilized the PUD option, and these standards weren't applied.*

RECOMMENDATION

Staff recommends approval of the request, based on the fact that **this amendment is to be applied to multi-family structures only.**

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**. (Reference to #9. **under multi-family standards only**):

9. Storage space of at least fifteen percent (~~15%~~) (**10%**) of the interior living space of the dwelling unit, exclusive of auto storage or attic storage, shall be provided within the structure.

DELIBERATION

I move that the amendment to Section 2319 of Article XXIII (General Provisions) of the Zoning Ordinance for Residential Design Criteria language regarding minimum storage space in multi-family dwelling units be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2145

An ordinance to amend Section 2331 of Article XXIII (General Provisions) to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units are hereby amended to decrease the minimum storage requirement from 15% to 10% for each multi-family dwelling unit:

9. Storage space of at least ten percent (10%) of the interior living space of the dwelling unit, exclusive of auto storage or attic storage, shall be provided within the structure.

This ordinance adopted:

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

Nayes: None

Adoption Date: March 8, 2005

Effective Date: March 22, 2005

First Reading: February 22, 2005

Second Reading: March 8, 2005

CITY OF MUSKEGON

By:



Gail A. Kunding, MMC
City Clerk

CERTIFICATE

Ordinance #2145

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 8th day of March, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: March 8, 2005.



Gail A. Kunding, MMC
City Clerk

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on March 8, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language to allow 10% minimum storage space in multi-family dwelling units .

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

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

Published: March 12, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: February 22, 2005

*Needs 2nd
Reading*

Date: February 11, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ebc*
RE: Rezoning request for property located at 1282 Arthur Street

SUMMARY OF REQUEST:

Request to rezone property owned by the City of Muskegon, located at 1282 Arthur Street, from RM-1, Low Density Multiple Family Residential to R-1, Single Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

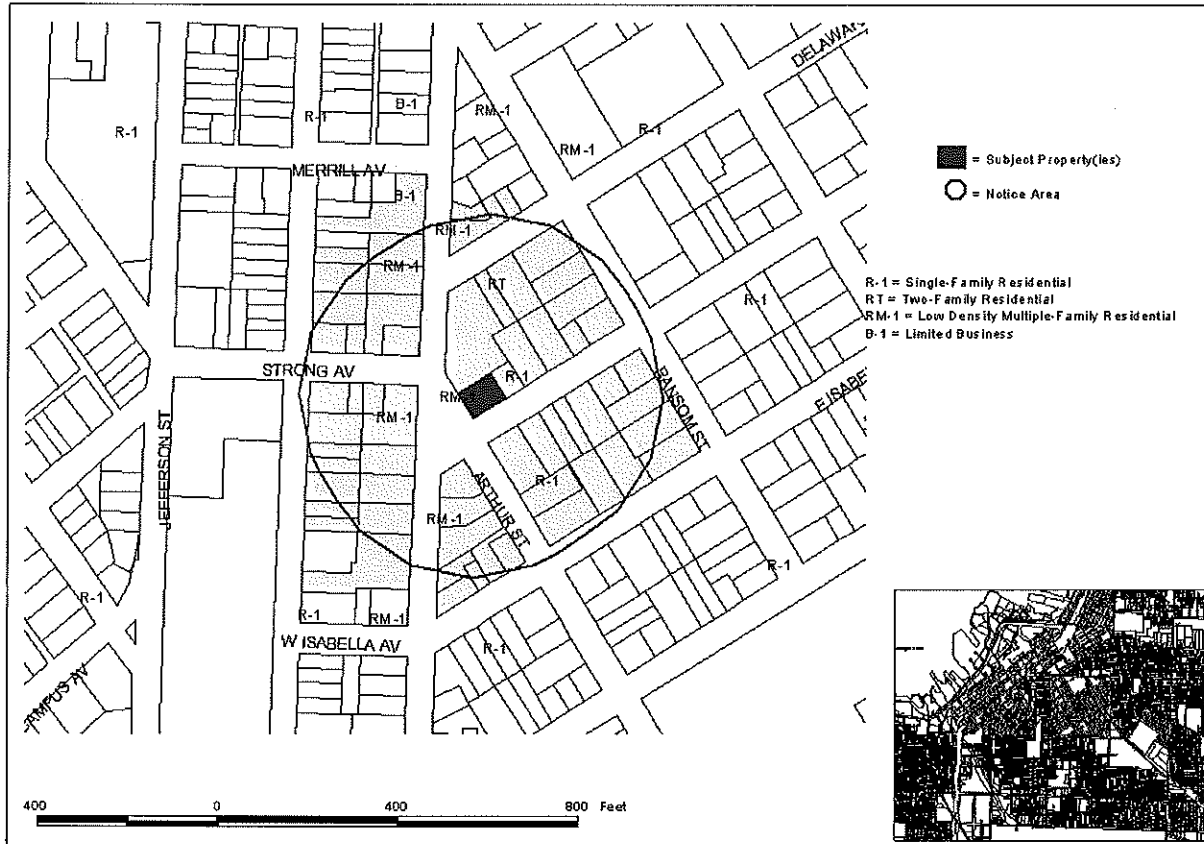
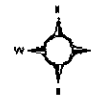
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/10 meeting. The vote was unanimous with T. Harryman and B. Smith absent.

**City of Muskegon
Planning Commission
Case # 2005-09**



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

February 10, 2005

Hearing; Case 2005- 09: Staff initiated request to rezone the property located at 1282 Arthur Street from RM-1, Low Density Multiple-Family Residential to R-1, Single Family Residential.

BACKGROUND

Applicant: City Planning Department

Property Address/Location: 1282 Arthur Street

Present Land Use: Vacant

Current Zoning: RM-1, Low Density Multiple Family Residential

Proposed Zoning: R-1, Single Family Residential

STAFF OBSERVATIONS

1. The subject property is located at the northeasterly corner of Peck and Arthur and is currently City-owned.
1. Other properties along the easterly side of Peck Street is zoned RM-1, across Arthur is zoned RT, and to the east the zoning is R-1.
2. The properties across Peck Street are zoned RM-1.
3. There are several multi-family units located along Peck Street, and one across Arthur Street. There is a large vacant parcel located to the north of the subject property that also zoned RM-1. The property that is zoned R-1 located to the east, contains a single-family residence.
5. The property is unbuildable in either RM-1 or R-1 zoning because it contains only 5,775 sq. ft.
6. The adjacent property owner located at 32 Iona (zoned R-1) has given a deposit to the City of Muskegon for the purchase of this lot so he may join the two parcels together in order to expand his yard and construct a garage. His present property is only 44.5 x 66 ft., totaling 2,937 sq. ft.

ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

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

SECTION 400: PRINCIPAL USES PERMITTED

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

One Family detached dwellings.

2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
3. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

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

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

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
...
3. Churches and other facilities normally incidental thereto subject to the following conditions:
...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.

5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

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

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

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

1. – 9. ...

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

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

Expressway, Arterial Street or Major Street: 30 feet
Collector Street: 25 feet
Minor Street: 15 feet

Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the front setback is below the minimum required.

8. Rear setback: 30 feet
9. Setback from the ordinary high water mark or wetland: 30 feet (principal structures only).
10. Side setbacks:
 - 1-story: 6 feet and 10 feet
 - 2-story: 8 feet and 12 feet

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

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
...

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

PREAMBLE

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

SECTION 700: PRINCIPAL USES PERMITTED

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

1. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Bed & Breakfast facilities, under the following conditions: [amended 7/03]
...
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
8. Foster Care Small Group Homes. [amended 11/02]
9. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
10. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED [amended 2/02] [amended 2/03]

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

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

Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.

Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.

Adult Foster Care Large Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]

Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:

...

Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.

Uses similar to the above Special Land Uses Permitted.

SECTION 702: PLANNED UNIT DEVELOPMENT [amended 10/98]

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

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

1. Minimum lot size: 10,890 sq. feet.
2. Density (see definition in Article II): 16 dwelling units per buildable acre.
3. Dedicated open space requirement: 15 %
4. Maximum lot coverage:
Buildings: 60 %
Pavement: 20 %
5. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
6. Maximum building width: 50% (as a portion of the lot width).

7. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
8. Height limit: 3 stories or 50 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

9. Front Setbacks:
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 25 feet
Minor Street: 20 feet
10. Rear setback: 30 feet
11. Setback from the ordinary high water mark or wetland: 50 feet (principal structures only).
12. Side setbacks:
1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet
3-story: 12 feet and 16 feet

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

13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]

...

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





RECOMMENDATION

The intent of the RM-1 zone district is to provide sites for multiple family dwellings that will generally serve as zones of transition between the nonresidential districts and lower density one and two family residential districts. Some of the primary differences between the R-1 and RM-1 zone districts are: principal uses permitted in the RM-1 zone are more intensive than those in the R-1 zone; greater allowable density; and greater flexibility with the PUD option in the RM-1 zone. Based on the plans reflected in the Future Land Use Map included in the Master Plan, the area in question is recommended for single family development. The area went through a major down zoning effort in 2003, however this parcel wasn't changed from it's RM-1 status, probably because of its property line on Peck Street.

Since this property is slated to be sold to the property owner at 32 Iona, and would subsequently be joined as one parcel, it would be desirable to for the entire parcel to have the same zoning designation.

There are several large trees on the site. They are located on the perimeter of the lot and will not interfere with any plans for a garage. They should be retained by the new owner.

Based upon the above analysis, staff is recommending approval of the request to rezone the subject property from RM-1 to R-1 because the request conforms to the goals and recommendations of the 1997 Master Plan, including the Future Land Use Map.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning.**
2. **What are the precedents and the possible effects of precedent that might result from the approval or denial of the petition?**
3. **What is the impact of the amendment on the ability of the city to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?**
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City?**
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**
7. Is the proposed zoning change a **"Spot Zone"**?

- a. Is the parcel **small in size relative to its surroundings?**
- b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
- c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
- d. A spot zone is **appropriate if it complies with the Master Plan.**

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 1282 Arthur Street, from RM-1 Low Density Multiple-Family Residential to R-1 Single-Family Residential district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2146

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from RM-1 "Low Density Multiple-Family Residential" to R-1 "Single Family Residential"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from RM-1 "Low Density Multiple-Family Residential" to R-1 "Single Family Residential":

CITY OF MUSKEGON REVISED PLAN OF 1903 W 87-1/2 FT LOT 4 BLK 240

This ordinance adopted:

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

Nayes: None

Adoption Date: March 8, 2005

Effective Date: March 22, 2005

First Reading: February 22, 2005

Second Reading: March 8, 2005

CITY OF MUSKEGON

By: Gail A. Kunderger

Gail A. Kunderger, MMC
Clerk

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on March 8, 2005, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from RM-1 "Low Density Multi-Family Residential" to R-1 "Single Family Residential":

CITY OF MUSKEGON REVISED PLAN OF 1903 W 87-1/2 FT LOT 4 BLK 240

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

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

Published March 12, 2005

CITY OF MUSKEGON

By _____
Gail A. Kundinger, MMC
City Clerk

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

Account No. 101-80400-5354

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Additional Taxicabs

Withdrawn

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab to add two more taxicabs to their license. This will change their total cabs from 12 to 14.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this request contingent upon approval from the Police Department

CITY COMMISSION MEETING
March 8, 2005

Date: February 24, 2005

To: Honorable Mayor and City Commission

From: Anthony L. Kleibecker, Director of Public Safety

Re: 2005 Byrne Memorial Grant (JAG) Program
Joint Agreement – Muskegon County, City of Muskegon,
City of Muskegon Heights

SUMMARY OF REQUEST:

Request that the City Manager and Director of Public Safety be authorized to sign the Interlocal Agreement Between the City of Muskegon, City of Muskegon Heights and the County of Muskegon for a (Justice Assistance Grant) Byrne Memorial Grant Application Number 2005-F1706-MI-DJ.

The City of Muskegon has not been designated a direct single award under the (JAG) Byrne Memorial Grant for the 2005 Fiscal Year, However an allocation has been made for a Joint Application between the County of Muskegon, City of Muskegon and the City of Muskegon Heights in the amount of \$ 92,167.

FINANCIAL IMPACT:

The City of Muskegon will not be responsible for any match funds or outlays for this program. The Grant will provide \$ 92,167 to fund an assistant prosecutor position with the County Prosecutor's Office and to reinstate Project Cornerstone under the title of Project Cornerstone II.

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff Recommends entering into the Interlocal Agreement with the County of Muskegon and the City of Muskegon Heights. Project Cornerstone has had a positive impact in a number of our higher crime areas in the past. It allows for prosecutor's office participation in curfew sweeps and direct involvement with the neighborhoods and neighborhood associations.

GMS Application Number: 2005-F1706-MI - DJ

**2005 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
INTERLOCAL AGREEMENT BETWEEN
CITY OF MUSKEGON
AND
CITY OF MUSKEGON HEIGHTS
AND
COUNTY OF MUSKEGON**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program, through the Office of Justice Programs, has awarded Muskegon County, City of Muskegon and City of Muskegon Heights a joint award in the amount of \$92,167 to be utilized for law enforcement and justice initiatives targeting specific geographic areas within the City of Muskegon and the City of Muskegon Heights, Muskegon County, Michigan for a period not to exceed 48 months from October 1, 2004.

The Muskegon County Prosecutor's Office will submit an on-line application for the total joint award for implementation of a community prosecution program entitled Project Cornerstone II. The Muskegon County Prosecutor's Office will act as fiduciary for the coalition.

Interest/Intent Regarding JAG award:

I/we, the undersigned, hereby agree to direct our JAG allocation and be part of a coalition and request that these funds be awarded and expended for our benefit by the fiscal agent listed below:

Muskegon County Prosecutor's Office

This Agreement is made and entered into this 15th day of March, 2005, by and between the County of Muskegon, City of Muskegon, City of Muskegon Heights, and Muskegon County, Michigan.

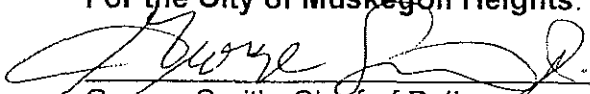
For the City of Muskegon:

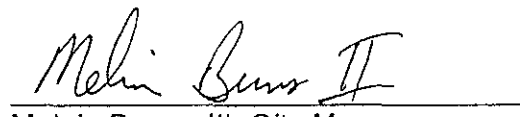


Tony Kleibecker, Chief of Police

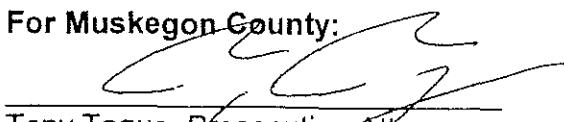

Bryon Mazade, City Manager

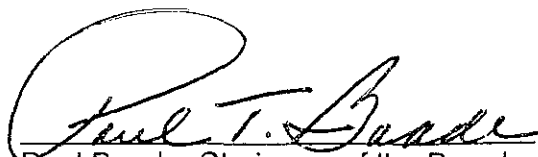
For the City of Muskegon Heights:


George Smith, Chief of Police

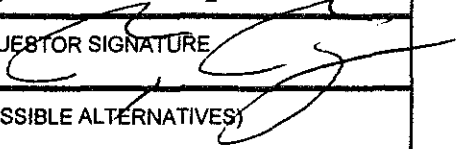

Melvin Burns, III, City Manager

For Muskegon County:


Tony Tague, Prosecuting Attorney


Paul Baade, Chairman of the Board

REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Courts and Public Safety		BUDGETED ☐ NON-BUDGETED ☐ PARTIALLY BUDGETED ☐	
REQUESTING DEPARTMENT PROSECUTOR	REQUEST DATE 02/24/05	REQUESTOR SIGNATURE 	
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)			
The Prosecutor's Office is requesting approval to submit an application for a Justice Assistance Grant (JAG) from the Office of Justice Programs, U.S. Department of Justice in the amount of \$92,167 with no local match requirement. Muskegon County, the City of Muskegon and the City of Muskegon Heights are joint recipients of the JAG award which is federal funding for law enforcement and justice initiatives. The City of Muskegon and the City of Muskegon Heights have agreed to direct their portion of the JAG allocation to Muskegon County and be part of a coalition and request that these funds be awarded and expended for their benefit by the Prosecutor's Office. The Prosecutor's Office is proposing to expand its community prosecution program and submit Project Cornerstone II which expands the current program into Muskegon Heights. The JAG grant application includes a funding request for a full-time Assistant Prosecutor I, equipment, printing and supplies. The grant period is October 1, 2005 through September 30, 2006. Application is due at the Office of Justice Programs no later than March 31, 2005.			
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)			
Move to authorize Prosecutor to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) from the Office of Justice Programs, U.S. Department of Justice, for the purpose of continuing and expanding a community prosecution program, in the amount of \$92,167 with no local match obligation and no effect on the County general fund, which will require the establishment of an Assistant Prosecutor I position.			
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)			
<u>HUMAN RESOURCES ANALYSIS:</u> 	<u>FINANCE & MANAGEMENT ANALYSIS:</u> 		
<u>CORPORATE COUNSEL ANALYSIS:</u> 	<u>ADMINISTRATOR RECOMMENDATION:</u> 		
AGENDA DATE:	AGENDA NO.:	BOARD DATE:	PAGE NO:



Edward Byrne Memorial Justice Assistance Grant

JAG

FY 2005 Local Solicitation

Eligibility

Units of local government appearing on the *FY 2005 Units of Local Government List* are eligible to apply for JAG funds. To view this list, go to www.ojp.usdoj.gov/BJA/grant/jagallocations.html.

GMS Application Deadline

All JAG applications are due on or before 8:00 p.m. EST on March 31, 2005.

For assistance with the JAG solicitation, contact:

Timothy S. Wight, Associate Deputy Director, Programs Office, at Timothy.Wight@usdoj.gov or
Matthew D. Hanson, Director's Special Assistant for Administration, at Matthew.Hanson@usdoj.gov.

State	Jurisdiction Name	Single Application Award Amount	Joint Application Award Amount
MI	BAY COUNTY		\$23,710
MI	BAY CITY		
MI	BERRIEN COUNTY		\$47,665
MI	BENTON HAVOR CITY		
MI	BENTON CHARTER TOWNSHIP	\$19,765	
MI	CALHOUN COUNTY		\$122,656
MI	ALBION CITY		
MI	BATTLE CREEK CITY		
MI	EATON COUNTY	\$16,560	
MI	GENESEE COUNTY		\$313,853
MI	FLINT CITY		
MI	BURTON CITY		
MI	FLINT CHARTER TOWNSHIP		
MI	GENESEE CHARTER TOWNSHIP		
MI	MOUNT MORRIS CHARTER TOWNSHIP		
MI	GRAND TRAVERSE COUNTY	\$11,053	
MI	INGHAM COUNTY		\$175,459
MI	LANSING CITY		
MI	EAST LANSING CITY	\$21,860	
MI	JACKSON COUNTY		\$66,896
MI	JACKSON CITY		
MI	KALAMAZOO COUNTY		\$123,026
MI	KALAMAZOO CITY		
MI	PORTAGE CITY	\$12,615	
MI	KALAMAZOO CHARTER TOWNSHIP	\$11,423	
MI	KENT COUNTY		\$299,430
MI	GRAND RAPIDS CITY		
MI	WYOMING CITY	\$38,338	
MI	KENTWOOD CITY	\$15,245	
MI	LENAWEE COUNTY		\$12,779
MI	ADRIAN CITY		
MI	EASTPOINTE CITY	\$20,874	
MI	MOUNT CLEMENS CITY	\$14,669	
MI	ROSEVILLE CITY	\$20,135	
MI	ST CLAIR SHORES CITY	\$20,094	
MI	MACOMB COUNTY		\$219,426
MI	WARREN CITY		
MI	STERLING HEIGHTS CITY		
MI	CLINTON CHARTER TOWNSHIP		
MI	MONROE COUNTY	\$30,284	
MI	MONROE CITY	\$10,232	
MI	MUSKEGON COUNTY		\$92,167
MI	MUSKEGON CITY		
MI	MUSKEGON HEIGHTS CITY		
MI	OAKLAND COUNTY		\$307,854
MI	PONTIAC CITY		
MI	SOUTHFIELD CITY		
MI	FERNDAL CITY	\$10,273	
MI	HAZEL PARK CITY	\$13,026	

MI	ROYAL OAK CITY	\$15,286		
MI	TROY CITY	\$11,875		
MI	FARMINGTON HILLS CITY	\$21,655		
MI	WATERFORD CHARTER TOWNSHIP	\$16,683		
MI	OTTAWA COUNTY	\$32,133		
MI	HOLLAND CITY	\$15,163		
MI	SAGINAW COUNTY		\$178,746	
MI	SAGINAW CITY			
MI	BUENA VISTA CHARTER TOWNSHIP	\$13,067		
MI	SAGINAW CHARTER TOWNSHIP	\$10,519		
MI	ST CLAIR COUNTY	\$21,902		
MI	PORT HURON CITY	\$21,902		
MI	WASHTENAW COUNTY	\$45,200		
MI	ANN ARBOR CITY	\$39,283		
MI	YPSILANTI CITY	\$25,148		
MI	WAYNE COUNTY			
MI	DEARBORN CITY			
MI	DETROIT CITY			
MI	ECORSE CITY			
MI	HAMTRAMCK CITY			
MI	HIGHLAND PARK CITY			
MI	INKSTER CITY			
MI	LINCOLN PARK CITY			
MI	LIVONIA CITY		\$3,035,392	
MI	WAYNE CITY			
MI	SOUTHGATE CITY			
MI	DEARBORN HEIGHTS CITY			
MI	WESTLAND CITY			
MI	TAYLOR CITY			
MI	ROMULUS CITY			
MI	CANTON CHARTER TOWNSHIP			
MI	REDFORD CHARTER TOWNSHIP			
	STATE OF MICHIGAN	\$11,221,742 *		
			*Includes less than \$10,000 allocation amounts.	
	Total of Award Amounts:	\$16,817,063		
	Total Number of Awards:	44		

GMS Application Number: 2005-F1706-MI - DJ

**2005 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD
INTERLOCAL AGREEMENT BETWEEN
CITY OF MUSKEGON
AND
CITY OF MUSKEGON HEIGHTS
AND
COUNTY OF MUSKEGON**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program, through the Office of Justice Programs, has awarded Muskegon County, City of Muskegon and City of Muskegon Heights a joint award in the amount of \$92,167 to be utilized for law enforcement and justice initiatives targeting specific geographic areas within the City of Muskegon and the City of Muskegon Heights, Muskegon County, Michigan for a period not to exceed 48 months from October 1, 2004.

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Interest/Intent Regarding JAG award:

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Muskegon County Prosecutor's Office

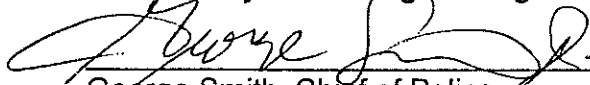
This Agreement is made and entered into this _____ day of _____, 2005, by and between the County of Muskegon, City of Muskegon, City of Muskegon Heights, and Muskegon County, Michigan.

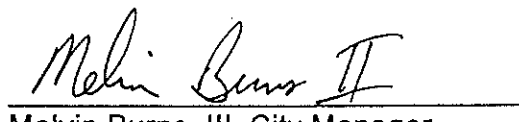
For the City of Muskegon:

Tony Kleibecker, Chief of Police

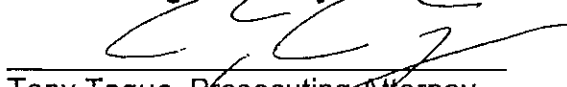
Bryon Mazade, City Manager

For the City of Muskegon Heights:


George Smith, Chief of Police


Melvin Burns, III, City Manager

For Muskegon County:


Tony Tague, Prosecuting Attorney

Paul Baade, Chairman of the Board



Byrne Justice Assistance Grant Program 2005-F1706-MI-DJ


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Application Handbook**Project Information**
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Information](#)
[Project Information](#)
[Budget and
Program
Attachments](#)
[Assurances and
Certifications](#)
[Review SF 424](#)
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Asked Questions](#)
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[Log Off](#)

*Descriptive Title of Applicant's Project		
Project Cornerstone II - A community prosecution approach to create a collaboration of private and public agencies, law enforcement and citizens to work together to prevent		
*Areas Affected by Project		
City of Muskegon and City of Muskegon Heights		
Proposed Project		
	*Start Date	October 01 2005
	*End Date	September 30 2006
*Congressional Districts of		
	Project	Congressional District 01, MI Congressional District 02, MI Congressional District 03, MI Congressional District 04, MI
*Estimated Funding		
Federal	\$	92167 .00
Applicant	\$	0 .00
State	\$	0 .00
Local	\$	0 .00
Other	\$	0 .00
Program Income	\$	0 .00
TOTAL	\$	92167 .00

[Save and Continue](#)

GMS Application Number: 2005-F1706-MI - DJ

2005 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

PROJECT CORNERSTONE II

Muskegon County
City of Muskegon
City of Muskegon Heights

Budget Summary

October 1, 2005 - September 30, 2006

The community prosecution program Project Cornerstone II will utilize prosecutor personnel, communications equipment and services, computer and related equipment, printing services and office supplies.

Personnel

One full-time Assistant Prosecutor I will be funded for the grant period. The program requirements include daily, weekly, monthly and quarterly activities including but not limited to: review all targeted area warrant requests; communicate with citizens and law enforcement regarding activities and provide progress reports; compile statistical data; trial preparation and trial; curfew sweep training programs; development of school education programs, quarterly reporting of program progress, attend neighborhood association meetings; presentation of program to neighborhoods, governmental agencies, citizens and businesses.

Other personnel costs include secretarial overtime to assist with scheduled curfew sweeps (approximately 12 per year).

Equipment

Communication, audio/visual and computer equipment is requested to aid in carrying out the educational and enforcement objectives of the program. The equipment will be utilized for training programs and program presentations to schools, neighborhood groups and law enforcement and in the courtroom for displaying evidence.

Supplies/Materials

Brochures and video taped productions will be developed and utilized as part of the school and community education programs.

GMS Application Number: 2005-F1706-MI - DJ

2005 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

PROJECT CORNERSTONE II

Muskegon County
City of Muskegon
City of Muskegon Heights

Budget Detail Summary

October 1, 2005 - September 30, 2006

<u>Line Item</u>	<u>Federal Share</u>	<u>Local Match</u>
Salaries and Wages	53,851	0
Fringe Benefits	23,678	0
Equipment	11,688	0
Supplies and materials	2,500	0
Other	450	0
	\$92,167	0

Salaries/Fringe Benefits

Assistant Prosecutor I - FT

Salary:	51,184
FICA:	3,916
Dental:	543
Medical	12,058
Life Insurance	87
Pension	3,644
Retiree's Fringe Ben.	2,472
Long-term Disability	159
Unemployment Ins.	77
Workers Comp.	102
Cost of Living	416
<u>Total</u>	<u>74,658</u>

Secretarial Overtime for 2 secretaries 5 hours per month for 12 months (120 hours):

Hourly Overtime:	2,667
FICA (7.65%)	204
<u>Total</u>	<u>2,871</u>

Grand Total Salaries/Fringe Benefits: **\$77,529**

Equipment Budget:

Nextel Phone:	125.00
Portable Presentation Screen	875.00
w/case	
Computer with Monitor	1,125.00
Laptop Computer	1,800.00
Software	500.00
Color Printer	2,625.00
Projector	3,300.00
36" TV	588.00
DVD/VCR Combo	250.00
TV Cart	500.00

Total: 11,688.00

Supplies/Materials

Brochure Printing:	2,000.00
Video Production Supplies:	300.00
Office Supplies:	200.00

Total: 2,500.00

Other

Nextel Phone Service	
\$37.50/mo. x 12	450.00

Total: 450.00

Application for Grant Funding
from the United States Department of Justice

Project Cornerstone II

A Proposal for funding to
Expand the Community Prosecution
Program in Muskegon County, Michigan

By Tony D. Tague
Muskegon County Prosecutor's Office
990 Terrace
Muskegon, Michigan 49441
231-724-6435

I. Statement of Philosophy:

Community Prosecution is a grassroots approach to create a collaboration of private and public agencies, law enforcement and citizens to work together to prevent crime and to aggressively prosecute crime when it occurs. Community Prosecution is designed to build a team that works together in being proactive in stopping crime before it occurs. When crime does occur, the consequences must be immediate and meaningful.

II. Background:

In 1998, the Muskegon County Prosecutor's office received federal funding to create and implement a community prosecution program that targeted four inner city neighborhoods that had the highest rates of crime in Muskegon County. In the past 6 years, there has been a reduction in crime in those four neighborhoods by over 30%.

As the federal grant money expired, local county government recognized the tremendous success of the program and continued to fund the community prosecution program despite dwindling revenue caused by poor economic conditions. Additional federal funds would allow us to continue the progress and to expand the program to other inner city neighborhoods.

The community prosecution program has been so successful that counties around the State have studied and inquired about how they can duplicate the success in Muskegon County in their own counties.

The community prosecution program, which was created under the title of "Project Cornerstone" embraced a philosophy of collaboration, flexibility and crime prevention that has made those inner city neighborhoods rebound from an increasing plague of crime. It is hoped that additional federal funding will be given by way of this application to maintain and expand the currently successful community prosecution program in Muskegon County.

III. Problems to be Addressed:

In 1998, the Muskegon County Prosecutor's office received federal funding under the BYRNE Memorial grant to create and implement a community prosecution program in several inner city neighborhoods in the City of Muskegon. The community prosecution program focused its efforts in four neighborhoods in the City of Muskegon: McLaughlin, Angell, Nelson and Marsh Field. Through the use of preventative programs, tough prosecution and community collaboration, the community prosecution program has been a stunning success and a model for the entire State of Michigan. However, there continues to be a need for much more progress. Particularly important is the extension of the community prosecution program into other inner city neighborhoods not previously serviced by this program.

For example, reports of criminal activity in the City of Muskegon Heights remain

unacceptable. The crime rate in Muskegon Heights has not seen the same reduction of crime as similarly situated neighborhoods Project Cornerstone targeted in the City of Muskegon. Project Cornerstone II will continue and expand the progress made in the City of Muskegon and extend the community prosecution program into the City of Muskegon Heights. These target area neighborhoods will contain the City of Muskegon Heights' Central Business District which has been recently very hard hit by poor economic conditions.

While the **Muskegon Heights area** has made positive progress through a cooperative crime prevention effort involving the Muskegon Heights Police Department, Weed and Seed, and Project Safe Neighborhood, these neighborhoods continue to have an unacceptable level of drug and crime offenses.

Residents in the City of Muskegon Heights and the neighborhoods in the City of Muskegon have identified drug and juvenile crime as being the most significant problem in their neighborhoods.

The City of Muskegon Heights has for a number of years experienced a significant problem with drugs as well as the crimes attendant to drug dealing. The high crime rates have driven down property values and generally adversely affected the quality of life of all residents.

IV. Project Description:

What we are Proposing to do and How we intend to do it.

The Muskegon County Prosecutor's office proposes to implement its highly successful community prosecution program in Muskegon Heights and to continue and expand the progress made in the City of Muskegon. As indicated previously, in 1998 the Muskegon County Prosecutor's Office received federal funding to create a community prosecution program for four neighborhoods in the City of Muskegon. The four neighborhoods that were selected were the parts of the inner city that had the most crime and the most serious offenses in Muskegon County. Once the community prosecution program was implemented, there was a decrease in criminal complaints of 20.6% in the first two years of the program. By the third year of the community prosecution program implemented in the city of Muskegon, the number of crimes reported had reduced from 5247 complaints in 1998 to 3562 complaints in 2001. This constitutes a **29.9% decrease** of criminal complaints in the first three years of the community prosecution program. The Muskegon County Prosecutor now is seeking funds to duplicate this success in the City of Muskegon Heights and to continue and expand the outstanding progress that has been made in the City of Muskegon.

A. Reducing Crime Rates:

The overall goal of the community prosecution program is to reduce crime by implementing proactive programs that prevent crimes and to aggressively prosecute crimes when

they do occur.

B. Aggressive Prosecution and No Plea Bargaining Policy:

To reduce crime, Prosecutor Tony Tague has implemented a no plea bargaining policy on all offenses arising from the **Cornerstone Neighborhoods**. This tough no plea bargaining policy will be extended to the Muskegon Heights neighborhoods. Every case originating in the **Project Cornerstone** neighborhoods will be reviewed and evaluated by the Community Prosecutor. The Community Prosecutor will also handle as many of the cases as is possible. A no plea bargain policy in the Cornerstone Neighborhoods will be pursued in all cases. This tough, no plea bargaining policy has proven to be very effective in the last six years of the community prosecution program implemented in the City of Muskegon. The same tough approach will be used in Muskegon Heights.

C. Prevention of Crime through Education for Youth:

The Muskegon County Prosecutor's Office believes that truancy and criminal activity are strongly connected. Most youths that are chronically truant are also involved in more serious crime. On the other hand, students that are invested and participate in education, tend to be law abiding citizens for the rest of their lives. A child who has no education has a dim future that is often accompanied by crime and poverty. One of the best ways to reduce crime is make education for our youth a top priority. When the Muskegon County Community Prosecution program was created in 1998, the Community Prosecutor was part of a collaborative effort including the City of Muskegon Police Department, Volunteer Muskegon, the Muskegon Public Schools System, Juvenile Court, and other agencies to combat the increased truancy rate in the city. Volunteer Muskegon has received a grant to fund approximately fifty senior citizen volunteers, equip them with cellular phones, and have them patrol certain neighborhoods to identify potential truants. Once a truant has been identified the volunteer makes contact with a community officer. The community officer makes contact with the juvenile and if a truancy violation has occurred, picks the offender up. On a bi-weekly basis the Community Prosecutor meets with the identified truant and their parents. This meeting is to inform the truant about their responsibility to attend school. This meeting also serves as a warning about how their truant conduct can and will result in a juvenile petition filed in Court if the truant activity continues. Further, the parents are advised about their responsibilities for correcting the truancy problem and the criminal actions for not taking responsibility for their child's actions.

Truancy has been a problem in Muskegon that for many years had received insufficient attention. And yet, there is substantial data evidencing a close connection between truancy and day-time criminal offenses, particularly home invasions. In one of the two middle schools in Muskegon City, over 235 students were chronically truant (at least one school day per week). The response to this problem in the past has been virtually non-existent.

The truancy enforcement program hopes to duplicate the successful procedures used in

the curfew enforcement program, and it is hoped that juvenile crime will significantly decrease. But more importantly, it is hoped that the many children whose future looks so bleak without an education, will get back into school and improve their chances to become productive members of our community.

The Muskegon Prosecutor's Office strongly believes that to reduce juvenile crime and the high incidence of drug use among juveniles, it is critically important to very aggressively prosecute those offenses while also offering positive opportunities for those youths that want to work to make a difference in their neighborhoods.

In addition to making efforts to keep young people in school, the community prosecution program will also develop and present materials to local schools regarding underage sexual activity. In 2004, the Michigan Legislature mandated that all schools must provide instruction regarding teenage sex and the law. Underage sexual activity has been a large problem in the inner cities. The community prosecution program will partner with local schools and provide training and education for students to know the severe consequences of the law for engaging in sexual activity under the age of 16.

D. Maintain High Conviction Rate:

The Assistant Prosecutor will continue to strive for a 100 percent as charged conviction rate for murder, armed robbery, criminal sexual conduct, home invasion, breaking and entering, malicious destruction of property, retail fraud, curfew, truancy, all drug cases, and all assaultive crimes arising out of the **Cornerstone Neighborhoods**.

E. Targeting Habitual Offenders:

By reviewing the criminal charges from the last year as well as utilizing the information gleaned by law enforcement and neighborhood organizations, the Assistant Prosecutor will continue the efforts made to target potential and past offenders and advocate harsh penalties for drug offenders and repeat offenders. Curfew, truancy, and loitering violations are being vigorously prosecuted. The Assistant Prosecutor has begun tracking cases pertaining to neighborhood crime even after resolution to ensure that problems do not reemerge.

F. Joint efforts with each neighborhood association and community policing program:

One of the most successful components in the community prosecution program created in 1998 has been the collaboration between law enforcement and local residents. In the past 6 years, we have learned that each neighborhood has different issues and no one solution fits all the problems. As a result, local resident involvement is critical in developing a unique strategy for each neighborhood. The Assistant Prosecutor will continue the work already in progress to find the most effective means of neighborhood action such as the forming of neighborhood patrols,

arming of citizens with video cameras to record violations, the posting of signs in the community such as signs or banners stretched across a drug market entrance indicating that drug offenders will be reported or that the neighborhood watch group is monitoring residents for drug activity, and/or posting of no loitering signs which has already met with strong enthusiasm by the neighborhood associations. The assistant prosecutor in conjunction with the community policing officer and members of the Distressed Neighborhood Pilot Programs have dispersed information to the community regarding how drug markets work to help its members identify drug dealers in their midst and how to document information regarding drug dealers and drug houses to assist law enforcement. The Assistant Prosecutor will also continue to vigorously prosecute drug forfeiture and nuisance abatement laws to clean up the community and get drug dealers out of the neighborhoods. The Assistant Prosecutor will also send letters to property owners regarding drug activity to allow for property seizures if drug dealing continues on these properties. It is vitally important to continue these initial efforts to prove to the residents that prosecution of these offenses will continue in the long run.

G. Continued Collaboration with Balance and Restorative Justice Program:

Muskegon County has implemented a new program called Balanced and Restorative Justice. The program is designed to work with local residents and neighborhood associations to provide no-nonsense, meaningful sentences for juvenile offenders by having them perform community service in their own neighborhoods. Each neighborhood association will create a list of tasks that will help enrich their neighborhoods. Juveniles who are adjudicated will be required to perform community services in their own neighborhoods. The Balanced and Restorative Justice has been very successful in Muskegon County in addressing juvenile delinquency. The partnership between juvenile court and the community prosecution program has been instrumental in reducing crime in the Cornerstone neighborhoods.

H. Extension of Safe Days and Quiet Nights Curfew Enforcement Program:

In an effort to reduce juvenile crime in Muskegon Heights, the Community Prosecutor will work with Juvenile Court staff, the neighborhood associations and school officials to expand and continue the very successful curfew enforcement program named the "Safe Days-Quiet Nights" Program. This type of program has been extremely successful in curtailing juvenile crime in other areas. The program is designed so that juveniles that are out on the street past curfew are picked up by police and brought to the police department where they are detained until their parent picks them up. The juveniles are required to perform community service or pay a fine for the violation.

The program that was implemented in the summer and fall of 2003 and continued in 2004, resulted in 10 violators entering the program in 2003 and 21 violators entering the program in 2004. As planned, each juvenile that was apprehended by police for violation of the curfew laws was brought to a holding area located in the Police Department. The offender was brought to the police station and was searched incident to the arrest and any contraband was

seized. The offender then filled out an assessment form and the parents were telephoned and required to pickup their child. Once the parents arrived, we requested them to sign a consent to drug test the juvenile. The juvenile and parents were required to sign a service contract.

The service contract requires the juvenile to perform community service, possibly seek drug or alcohol treatment, seek employment or perform any other terms deemed appropriate. In exchange, the prosecutor's office recommended that the charges be placed on the consent docket of Juvenile Court. Juvenile Court monitored compliance with the contract and if the contract is successfully fulfilled the charges were dismissed.

To date, there have been no repeat offenders. More importantly, officers on the street are overhearing juveniles comment among themselves about getting home before curfew. These kind of comments have rarely been heard by officers before. It seems that word has quickly spread among the youth that the curfew is being seriously enforced and night patrol officers have indicated a sharp decrease in disturbance calls from the Cornerstone neighborhoods. Additionally, the curfew enforcement program also coincides with a sharp decrease in criminal complaints from the Cornerstone neighborhoods. The neighborhood associations have each reported a dramatic change in making their neighborhoods quieter during the night. This suggests that the curfew program has not only resulted in quieter nights, but that there has been a correlation to the reduction of crimes in these neighborhoods. The need for the program during the school and winter months has been minimized. However, it is expected that in the spring, the curfew program will pick up from where it left off and continue its success.

This program will be implemented in the same fashion in Muskegon Heights and will be conducted either in conjunction with or independent from the curfew program in the City of Muskegon.

I. Community Gun Prosecution Grant:

As of 2001, the Muskegon County Prosecutor's Office was awarded a Community Gun Violence Grant to help combat the rise of gun violence in Muskegon County. This grant allows the Muskegon County Prosecutor's Office to hire a prosecutor to focus specifically on gun/weapon complaints and prosecution. This program is very similar to Project Cornerstone. It will require close communication with local law enforcement and community leaders. Both the Community Prosecutor and the Gun Prosecutor will be working close together with the local law enforcement, community leaders, and neighborhood associations. With both Prosecutors working closely with one another, the City of Muskegon will benefit with an anticipated continued reduction in criminal complaints.

J. Juvenile Court:

The Muskegon County Juvenile Court Judges, along with their administrators and staff have indicated strong support for the continuation of **Project Cornerstone**. The Court has

invited the Community Prosecutor to join its Dispute Resolution Steering Committee, SHOCAP Advisory Board, SHOCAP Screening Committee, and the Restorative Justice Program. Because these programs so closely parallel the objectives of **Project Cornerstone**, the Community Prosecutor has been an active participant in each of these committees. The Juvenile Court Judges have also publicly endorsed **Project Cornerstone** at the rally which was attended by television and print media as well as 250 residents of the **Cornerstone Neighborhoods**.

K. Neighborhood Associations:

The neighborhood associations have reacted extremely enthusiastically to the **Project Cornerstone** program and they have invited the Community Prosecutor to join their board of directors. This provides an opportunity to directly participate in the decisions that affect the neighborhood. This close partnership has yielded some of the most promising results. The neighborhood associations also showed their support by attending the rally and spreading the word among their residents about this new project. Each association has also invited the Community Prosecutor to be their featured speaker at the annual meeting open to all residents of the neighborhood.

L. City Officials:

At the **Project Cornerstone** Rally, the Mayor of Muskegon along with the City Commissioners representing the **Cornerstone Neighborhoods** also publicly endorsed the program. This has lead to the Community Prosecutor becoming a member of the steering committee for the Student City Government Program for high school students which meets monthly. The Community Prosecutor currently meets regularly with City Commissioners from the **Cornerstone Neighborhoods** and will continue to do so in the future.

M. Community Policing:

One of the most important commitments of support is from the local Community Policing Bureau. The Chief of Police has embraced this program by permitting the Community Prosecutor to work directly with his community officers. This includes occasional police/prosecutor ride-alongs, and providing close cooperation in the investigations of serious neighborhood crimes. The Community Policing Bureau is also instrumental in **Project Cornerstone** identifying which offenses occur in the Cornerstone neighborhoods. **Project Cornerstone** could not be effective but for the strong support of the Community Policing Program.

N. Schools:

The Schools have been extremely receptive to **Project Cornerstone**. They all welcome the Community Prosecutor to come and speak at any time. When the Community Prosecutor goes into these school he will be able to provide a presentation using both video and a power

point presentation. Further, they applaud the efforts of the truancy program.

O. Businesses:

Many local businesses have committed to provide supplies for the free home repair in the McLaughlin neighborhood and to provide money to purchase cellular phone to help the Marsh Field Mobile Citizen patrol to be organized. It is expected these businesses will continue to support the efforts of **Project Cornerstone** in future years.

P. Local Residents:

Dozens of residents have come forward to participate in the program. Other neighborhoods have inquired as to how they can be involved in the program and have signed up for programs offered by **Project Cornerstone**.

V. Anticipated Outcomes and Performance Measures:

The efforts toward education and tough prosecution of offenses is vital in reducing crime and increasing the quality of life in these neighborhoods. Sending criminals to prison is only one important part in solving the problems of a neighborhood. Efforts toward crime prevention and education are also important components in solving the problems that plague a neighborhood. Prior to **Project Cornerstone** there was little coordination between law enforcement, the City Commissioners, the City Mayor and the public and private organizations in a neighborhood. The impact on the Cornerstone Neighborhoods and the contribution of the existing programs have been quite evident and needs to be implemented in the City of Muskegon Heights.

Project Cornerstone has been in effect for over five years. The energizing and unifying impact on the neighborhoods has been significant. As has been reported, criminal complaints in the Cornerstone Neighborhoods have decreased over the last 3 years by 29.9%, more important, the effect of **Project Cornerstone** has carried over to the rest of the neighborhoods of the City of Muskegon which have seen a similar decrease in criminal complaints. The media coverage of the program has informed and mobilized residents to make a difference in their neighborhoods. The announcement of **Project Cornerstone** was broadcast throughout West Michigan by three local television news stations. The area newspaper also ran a prominent article on the program. Support for the program has been far above expectations. Local judges, city officials and private agencies have all publicly endorsed **Project Cornerstone**. School officials have welcomed the program and asked that the community prosecution program be introduced into their schools. The Angell, Marsh Field, McLaughlin, Nelson and Nims neighborhood associations have all endorsed the program and invited the Prosecutor's Office to be involved in their meetings and sub-committees.

The "Safe Days-Quiet Nights" program is successful in getting juveniles off the streets.

The Prosecutor's Office does not seek to modify the program objectives as much as it desires to expand the original goals. Originally, the community prosecution grant did not contemplate a truancy program, curfew program, collaboration with the Juvenile Court Restorative Justice program and the SHOCAP (Serious Habitual Offender County Action Program) program. However each of these additions which have naturally presented themselves as **Project Cornerstone** have worked with the local judges, law enforcement, private and public organizations and the residents of the neighborhoods. Each of these additions are intended to further the program objectives of reducing juvenile crime and drug activity in the **Cornerstone Neighborhoods**.

The continuation of the support of the community, law enforcement, and the courts as well as additional funding will continue to make **Project Cornerstone** a success.

This program will not function in a vacuum in these neighborhoods due to the existence of numerous programs which Project Cornerstone can utilize to assist in any problems that come to light in the fight for reclamation of the neighborhoods. Project Cornerstone can draw on the expertise of the Housing Code Enforcement Officers, the West Michigan Enforcement Team (WEMET), the Family Coordinating Council, the Muskegon Land Reutilization Committee, the Muskegon County Family Independence Agency, the Muskegon County Department of Community Mental Health, the Muskegon area Homeless Coalition, the Muskegon County Cooperating Churches, over 30 social services agencies which provide service to residents of these neighborhoods as well as over 20 youth programs available to the children in these neighborhoods.

For the past six years **Project Cornerstone** has measured it's success by the reduction of criminal complaints in the **Cornerstone Neighborhoods**. The overall success of the **Project Cornerstone** program will continue to be measured by a quantified reduction in reported drug activity, the crime rate, and calls for police service in the target area in addition to an increase in criminal case closure. With the Community Prosecutor having over six years of experience and the goals of **Project Cornerstone** beginning to be achieved, the efforts of community policing will expand **Project Cornerstone** into the City of Muskegon Heights.

Crime Rates

1. Long term decrease in overall crime rate in the **Cornerstone Neighborhoods**.
2. The elevation of conviction rates to the target 100 percent level for murder, armed robbery Criminal sexual conduct, home invasion, breaking and entering, malicious destruction of property, retail fraud, curfew, truancy, all drug cases, and all assaultive crimes arising out of the neighborhoods.
3. The decline in drug complaints.
4. Holding regular public drug awareness meetings for the neighborhoods in the grant period.
5. Holding regular general meetings with law enforcement as well as documenting specific meetings regular particular cases with law enforcement officers

Drug Dealing Locations

1. Ascertain the quantity through a survey of the reduction in abandoned homes and vehicles in the **Cornerstone Neighborhoods**.
2. Documenting the number of neighborhood and block organization meetings attended,
3. Documenting and striving for an increase in the number and success of forfeiture and nuisance abatement actions.
4. A decrease in the number of complaints from heavily frequented drug dealing locations.

Education

1. Holding an award ceremony at the local schools at the end of the school year and granting awards based on attendance and performance.
2. The increase of school attendance.
3. Working for a significant numerical increase in parental attendance at school board events.
4. Presentations on teen-age sex and the law at all relevant schools in the City of Muskegon and City of Muskegon Heights.

VI. Conclusion:

Project Cornerstone and the Community Prosecution program in the past 6 years has been a complete success. The efforts of the Muskegon County Prosecutor's Office, law enforcement, Community leaders, and Neighborhood Association have lead to a taking back of the Neighborhoods from drugs and thugs. These efforts will continue through the funding of **Project Cornerstone II** to the other neighborhoods in need of focused prosecution, so that once again the inner cities of Muskegon County will be a clean and safe place to live.

Date: March 8, 2005
To: City Manager and City Commissioners
From: Robert Kuhn, Director of Public Works
Re: Public Service Building Modifications

SUMMARY OF REQUEST:

Phase one consists of one room being modified to make two offices to accommodate a supervisor who is now working in a temporary area. Phase two consists of constructing a new office to accommodate the consolidation of the forestry department into the Public Service Building.

FINANCIAL IMPACT: \$17,052

\$70,000 has been earmarked for capital needs at the Public Service Building in 2005.

BUDGET ACTION REQUIRED:

None at this time

STAFF RECOMMENDATION:

Recommend Approval.

COMMITTEE RECOMMENDATION:

n/a

Building Modifications For Muskegon Public Service Building

Phase 1

Modify one old office into 2 new offices inside the existing building including demolition of the existing acoustic ceiling, saw cutting and removal of masonry for new door frames, masonry patching, patching in the existing door and window in the north wall with framing, sound batt insulation and drywall, 2 hollow metal frames, doors and related finish hardware, drywall, acoustic ceilings, VCT flooring and vinyl base, painting, 2 new fire protection sprinkler heads, new electrical light fixtures, switches and outlets.

Phase 2

Construct 1 new office inside the building including demolition of existing masonry as necessary for the installation of a new door frame, stud walls, sound batt insulation in new walls, drywall at new walls. 1 hollow metal frame, door and related finish hardware, patching of acoustic ceiling where new walls penetrate the ceiling, painting all office walls, electrical work including light fixtures, switch and outlets. New flooring is not included in the phase.

	Tridonn Construction 1461 Evanston Muskegon 49442	Clidfford Buck Construction 500 Irwin Ave. Muskegon 49442	Muskegon Construciton 111 w. Western Ave. Muskegon 49443
Phase 1	\$11,978.00	\$14,889.00	\$16,561.00
Phase 2	<u>\$5,074.00</u>	<u>\$7,680.00</u>	<u>\$9,290.00</u>
	<u>\$17,052.00</u>	<u>\$22,569.00</u>	<u>\$25,851.00</u>

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 Tridonn Construction Co. ("Contractor"), of Muskegon, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before May 1, 2005.

Price

Contractor will perform as set forth above for the complete contract price of \$ 17,052.00.

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 3-9, 2005.

Witnesses:

Contractor:

By

Brian L. Boersema
BRIAN L. BOERSEMA
SENIOR V.P. - C.O.O.

CITY OF MUSKEGON

By

Maranda A. Shtel 3-10-05
Approved by comm. 3-8-05

and

CITY OF MUSKEGON

Contract Between
City of Muskegon
Tridonn Construction Co.

STATEMENT OF WORK

See attached scope of services. For phase 1 and 2

Initials:

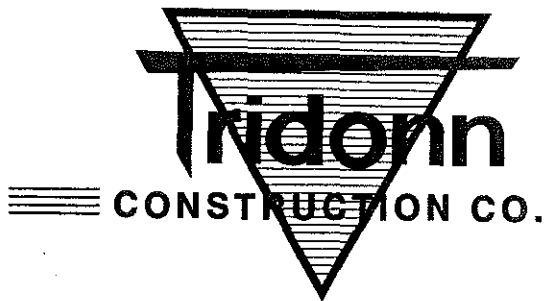
Contractor:

BBB

City:

MSK

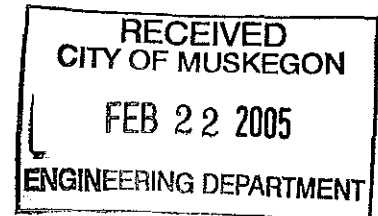
(staff member)



1461 Evanston Avenue, Muskegon MI 49442
231 777 2681 Fax 231 777 2506

2/18/05

Mr. J. R. Gann
City Of Muskegon
City Hall - 933 Terrace
Muskegon, MI 49443



Re: Department of Public Works
Public Service Building

PROPOSAL

Price includes furnishing all labor, material, equipment, safety aids, insurances and clean up required to complete the following work at the Department of Public Works - Public Service Building:

Phase I - Construct (2) two new offices inside the existing building including demolition of the existing acoustic ceiling, saw cutting and removal of masonry for new door frames, masonry patching, patching-in the existing door and window in the north wall with framing, sound batt insulation and drywall, (2) two hollow metal frames, doors and related finish hardware, drywall, acoustic ceilings, VCT flooring and vinyl base, painting, (2) two new fire protection sprinkler heads, new electrical light fixtures, switches and outlets. All in accordance with plans provided by the City Of Muskegon.

Total Price Phase I ----- \$ 11,978.00
Eleven Thousand Nine Hundred Seventy Eight Dollars.

Phase II - Construct (1) one new office inside the existing building including demolition of existing masonry as necessary for the installation of a new door frame, stud walls, sound batt insulation in new walls, drywall at new walls, (1) one hollow metal frame, door and related finish hardware, patching of acoustic ceiling where new walls penetrate the ceiling, painting all office walls, electrical work including light fixtures, switch and outlets. New flooring is not included in Phase II work. All in accordance with plans provided by the City of Muskegon.

Total Price Phase II ----- \$5,074.00
Five Thousand Seventy Four Dollars.

Price does **not** include Architectural Fees, Mechanical or Builders Risk Insurance.

All billings will be made between the 1st day and the 10th day of each month for work done and materials used the preceding month. Payment is to be made within ten days from the billing date. Tridonn Construction Company agrees to provide the Owner evidence of General Liability Insurance and Worker's Compensation Insurance before commencing any work on this project. Should this Proposal be accepted, it is mutually understood that the Owner and Contractor will enter into a contract for this work using either; a contractors Standard Form of Agreement AIA document, the Owners standard Purchase Order or some other form of agreement acceptable to both parties. This Proposal is subject to your acceptance within 30 days.

Respectfully submitted:



Brian L. Boersema
Senior Vice President – C.O.O.

Acceptance: _____
Name & Title: _____

Approved
3-8-05

Date: March 8, 2005
To: City Manager and City Commissioners
From: Robert Kuhn, Director of Public Works
Re: Public Service Building Modifications

SUMMARY OF REQUEST:

Phase one consists of one room being modified to make two offices to accommodate a supervisor who is now working in a temporary area. Phase two consists of constructing a new office to accommodate the consolidation of the forestry department into the Public Service Building.

FINANCIAL IMPACT: \$17,052
\$70,000 has been earmarked for capital needs at the Public Service Building in 2005.

BUDGET ACTION REQUIRED:
None at this time

STAFF RECOMMENDATION:
Recommend Approval.

COMMITTEE RECOMMENDATION:
n/a

Building Modifications For Muskegon Public Service Building

Phase 1

Modify one old office into 2 new offices inside the existing building including demolition of the existing acoustic ceiling, saw cutting and removal of masonry for new door frames, masonry patching, patching in the existing door and window in the north wall with framing, sound batt insulation and drywall, 2 hollow metal frames, doors and related finish hardware, drywall, acoustic ceilings, VCT flooring and vinyl base, painting, 2 new fire protection sprinkler heads, new electrical light fixtures, switches and outlets.

Phase 2

Construct 1 new office inside the building including demolition of existing masonry as necessary for the installation of a new door frame, stud walls, sound batt insulation in new walls, drywall at new walls. 1 hollow metal frame, door and related finish hardware, patching of acoustic ceiling where new walls penetrate the ceiling, painting all office walls, electrical work including light fixtures, switch and outlets. New flooring is not included in the phase.

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Phase 1	\$11,978.00	\$14,889.00	\$16,561.00
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	<u>\$17,052.00</u>	<u>\$22,569.00</u>	<u>\$25,851.00</u>

AGENDA ITEM NO. _____

CITY COMMISSION MEETING March 8, 2005

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: February 28, 2005

RE: 2005-2006 City Commission Goals

SUMMARY OF REQUEST:

To adopt the 2005-2006 City Commission goals.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached Vision, Value and Mission statements and the 2005-2006 goals.

COMMITTEE RECOMMENDATION:

The City Commission determined these goals at their annual goal setting session on January 28, 2005.

VISION

**MUSKEGON, THE PREMIER SHORELINE CITY
OF WEST MICHIGAN.**

VALUES

**PROVIDE ALL SERVICES IN A PROFESSIONAL, ETHICAL,
COURTEOUS, AND COST-EFFECTIVE MANNER.**

MISSION

**TO IMPROVE THE QUALITY OF LIFE FOR THE
CITIZENS OF MUSKEGON THROUGH
STEWARDSHIP OF RESOURCES, EXCELLENT
SERVICE AND LEADERSHIP FOR THE GREATER
COMMUNITY.**

- **Take Leadership Responsibility for Improving Race Relations and Diversity.**
- **Foster Opportunities for City Youth.**
- **Promote Economic Stability, diverse Economic Growth, and Redevelopment.**
- **Sustain the Natural, Cultural, and Recreational Resources of the Community.**
- **Foster Strong Ties Among Governments & Community Agencies.**
- **Develop and Maintain City Infrastructure and Facilities.**
- **Maintain and Enhance the Residential Neighborhoods of the City.**

COMPLETION OF LAKESHORE PATHWAY – Pursue grant funding and prepare for construction in 2006 of the section the pathway from the Downtown to Lakeside.

SECOND ICE SHEET – Consider the feasibility of constructing a second ice facility in the Downtown to accommodate additional ice demand and to compliment the L.C. Walker Arena.

LAKESIDE BUSINESS DISTRICT – Work with the Lakeside Business Association to improve and promote the Lakeside Business District.

REGIONAL COOPERATION – Consider ways to cooperate with other local governments, including function consolidation, to provide the most cost-effective municipal services.

Note: The above goals are not arranged in any order of priority.

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: City Clerk, Gail Kunding
**RE: Accept Resignations and Make Appointments to
Various Boards and Committees**

SUMMARY OF REQUEST:

To accept the resignation of Lynn Alrich Spearing from the Equal Opportunity Committee and Eileen Allen from the Land Reutilization Committee.

To appoint Sue Thompson to the Historic District Commission; Rebecca Flowers to the Leisure Services Board; Jodi McClain to the Land Reutilization Committee; Trent Lidke to the Equal Opportunity Committee; and David Wotli to the Local Development Finance Authority.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignations and appointments.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the acceptance of the resignations and appointments at their March 7th meeting.

Date: March 8, 2005

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Amend the Long Range Plan Submittal to Include the Downtown Development Project

SUMMARY OF REQUEST:

Authorization to submit the streets within the downtown development project (Former Mall Area) to the West Michigan Shoreline Regional Development Commission for inclusion in the Long Range Plan to ensure eligibility for possible federal funding. The streets that were identified by staff for inclusion are:

- Western Ave. between Terrace & Third
- Second St. between Morris & Clay
- First St. between Morris & Clay
- Jefferson/Market St. between Terrace & Clay

The attached resolution is required as part of the submittal to commit the local match if project funding is granted.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the project submittal and resolution.

COMMITTEE RECOMMENDATION:

Resolution No. 2005-24(h)

RESOLUTION FOR AUTHORIZATION TO REQUEST THE WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION TO INCLUDE THE CITY'S PROJECTS IN THE LONG RANGE PLAN.

WHEREAS, the Federal Transit Administration, the Federal Highway Administration and the Federal Aviation Administration, through the Intermodal Surface Transportation Efficiency Act of 1991; Act 51, P.A. 1951; and various other Federal and State acts, in cooperation with the Michigan Department of Transportation, makes funding available for local jurisdictions and agencies for transportation improvements projects; and

WHEREAS, the West Michigan Shoreline Regional Development Commission (WMSRDC) is the organization designated by the Governor as being responsible, together with the state, for carrying out provisions of 23 U.S.C. 134 (Federal Aid Planning Requirements) and the WMSRDC has deferred to the Muskegon Area Transportation Planning Program's (MATPP's) Policy Committee upon recommendation of the MATPP Technical Committee all matters of policy and approval related to transportation planning work programs, the long range transportation plan, and the Transportation Improvement Programs; and

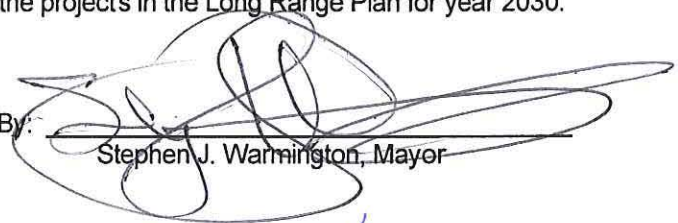
WHEREAS, the WMSRDC is responsible, through the MATPP Advisory Committees (Technical and Policy), for implementing the federally required "3-C" urban transportation planning process, including the development of the transportation Improvement Program; and

WHEREAS, the 3-C planning process for Muskegon County has been certified according to the requirements of 25 CFR 450.114(c); and

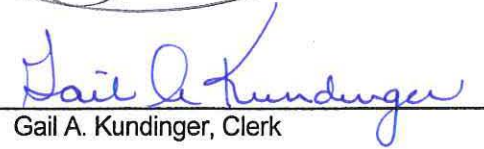
WHEREAS, the City of Muskegon desires to secure financial assistance from the federal and/or State government to help defray the cost of the attached proposed transportation projects; and

WHEREAS, the required local match for the requested funding is available [or will be available] and committed to the proposed projects upon grant approval;

NOW, THEREFORE BE IT RESOLVED that the City of Muskegon requests the West Michigan Shoreline Regional Development Commission to consider inclusion of the projects in the Long Range Plan for year 2030.

By: 

Stephen J. Warmington, Mayor

Attest: 

Gail A. Kunding, Clerk

3-24-05

Date

Proposed Transportation Projects:

- Western Ave. between Terrace & Third
- Second St. between Morris & Clay
- First St. between Morris & Clay
- Jefferson/Market St. between Terrace & Clay

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 8, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By:


Gail A. Kunderger, MMC
City Clerk

Commission Meeting Date: March 8, 2005

Date: March 2, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Public Hearing - Request for the Establishment of an
Industrial Development District – Port City Industrial
Finishing**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Port City Industrial Finishing, 1867 Huizenga Avenue, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 1867 Huizenga, Muskegon, Michigan. The project will result in \$250,000 in private investment.

FINANCIAL IMPACT:

Certain property taxes will be collected.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing the Industrial Development District for Port City Industrial Finishing.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2005-25(a)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING REQUEST FOR ESTABLISHMENT OF
INDUSTRIAL DEVELOPMENT DISTRICT
Port City Industrial Finishing

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to establish an "Industrial Development District" within the City of Muskegon; and

WHEREAS, Port City Industrial Finishing, 1867 Huizenga, Muskegon, Michigan, has requested the City of Muskegon to establish an Industrial Development District on property located at 1867 Huizenga, Muskegon, Muskegon hereinafter described; and

WHEREAS, Port City Industrial Finishing will locate production facilities within the Industrial Development District; and

WHEREAS, construction, acquisition, alterations, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

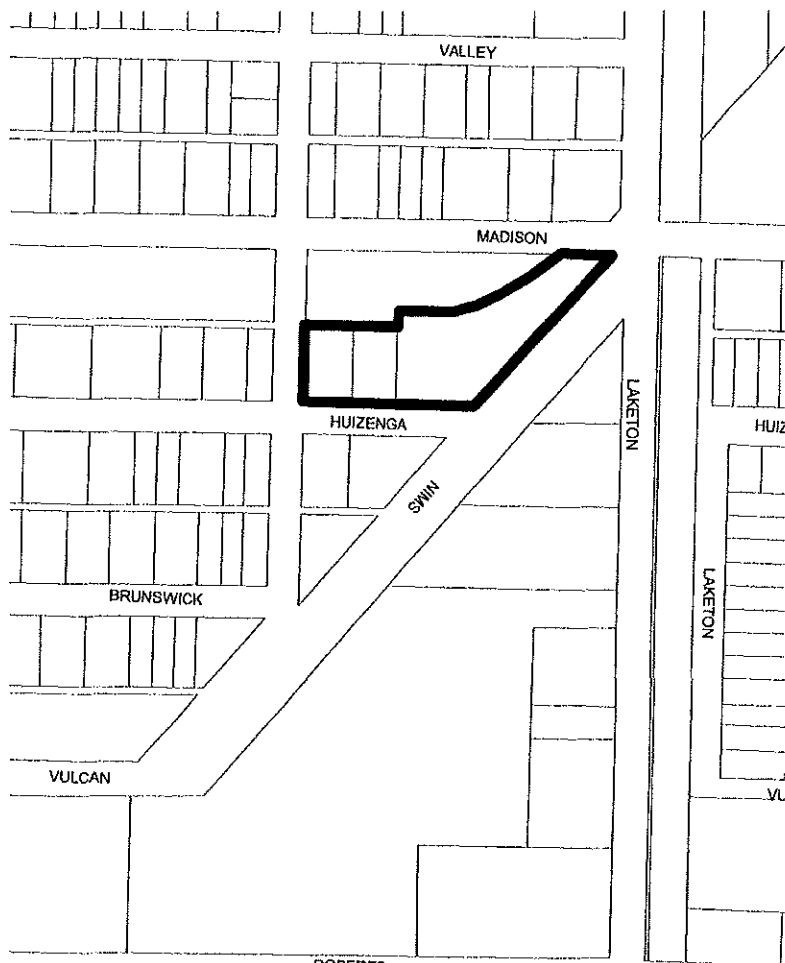
WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the *Muskegon Chronicle* and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, a public hearing on the establishment of an Industrial Development District was held on March 8, 2005, at the regular City Commission meeting at the Muskegon City Hall at which time all of the owners of real property within the proposed district, all residents and taxpayers of the City of Muskegon, and the affected taxing jurisdictions were afforded an opportunity to be heard thereon.

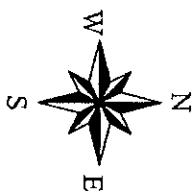
NOW THEREFORE BE IT RESOLVED THAT, the Muskegon City Commission deems it to be in the best interest of the City of Muskegon that the following described land situated in the City of Muskegon, Muskegon County, and the State of Michigan, to wit:

CITY OF MUSKEGON CONTINENTAL ADDITION BLK 5 LOTS 11 THRU 17 & THAT PART OF LOTS 1 THRU 10 WHICH LIES ELY OF LINE WHICH IS 20 FT ELY OF CL OF RR TRACK & VAC N/S ALLEY BETWN SD LOTS ALSO WITH VAC NIMS STREET ADJ THERETO (STREET VAC BY CITY RES 99-28)

Port City Industrial Finishing Industrial Development District



Parcel
IDD District



Commission Meeting Date: March 8, 2005

Date: March 2, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – Port City Industrial Finishing**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Port City Industrial Finishing, 1867 Huizenga Avenue, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1867 Huizenga Street, Muskegon. The total capital investment is approximately \$250,000 in personal property. This request qualifies Port City Industrial Finishing for a 6-year exemption for personal property. Port City Industrial Finishing's current workforce is 55.

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 six (6) years for personal property.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2005-25(b)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE OF INDUSTRIAL FACILITIES
EXEMPTION CERTIFICATE
*PORT CITY INDUSTRIAL FINISHING***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on March 8, 2005, this Commission by resolution established an Industrial Development District as requested by Port City Industrial Finishing, 1867 Huizenga Street, Muskegon, Michigan 49441; and

WHEREAS, Port City Industrial Finishing has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion 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 8, 2005, 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 has not begun as of March 8, 2005; 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 Port City Industrial Finishing, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the building expansion 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 CONTINENTAL ADDITION BLK 5 LOTS 11
THRU 17 & THAT PART OF LOTS 1 THRU 10 WHICH LIES ELY OF
LINE WHICH IS 20 FT ELY OF CL OF RR TRACK & VAC N/S ALLEY
BETWN SD LOTS ALSO WITH VAC NIMS STREET ADJ THERETO
(STREET VAC BY CITY RES 99-28)



City of Muskegon **Industrial Facilities Exemption Application** **Summary Sheet**

Project Summary:

PORT CITY INDUSTRIAL FINISHING, an existing manufacturing company located at 1867 Huizenga Drive, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. The company is a company that does industrial finishing. Due to the fact that the company is investing \$250,000 in personal property it is eligible for a six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:
 White 44
 Minority 11
 Total 55
 Gender Characteristics:
 Male 47
 Female 8
 Total 55

Total No. of Anticipated New Jobs: 0

Investment Information:

Real Property: \$-0-
 Personal Property \$253,540
 Total: \$253,540

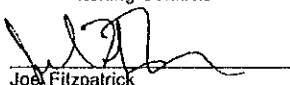
Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$ 7,099	\$ 1,267
Value of Abatement	\$ 3,549	\$ 633
Total New Taxes Collected	\$ 3,549	\$ 633

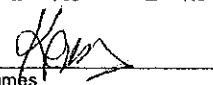
Income Tax Information: (Annual)

Total Additional Income Tax Generated: 0

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


 Joe Fitzpatrick
 Planner II


 Ken James
 Affirmative Action Director

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Pine Street , Laketon to Dale

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No.2005-25(c)

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

RECITALS:

1. A hearing has been held on **March 8, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 8, 2005**, there were 24.03% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **53.17%** 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: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 8, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Pine Street , Laketon to Dale

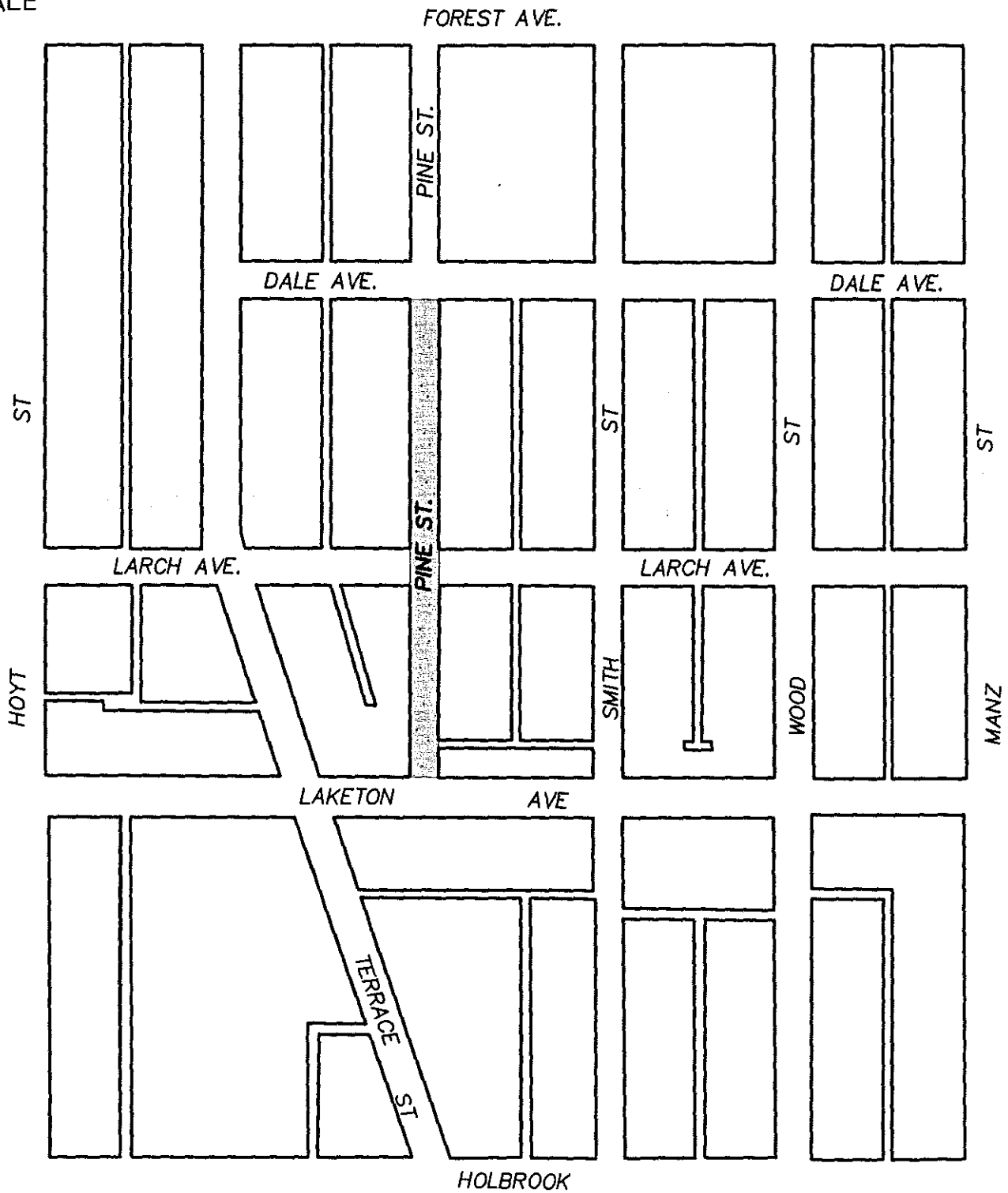
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Pine Street , Laketon to Dale

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



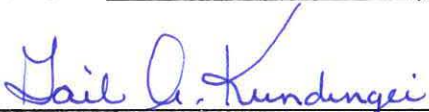
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

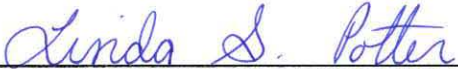
Pine St. Laketon Ave. to Dale Ave..

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 25TH DAY OF FEBRUARY, 2005.



GAIL A. KUNDINGER, CITY CLERK

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



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

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:

**PINE ST., LAKETON AVE. TO DALE AVE.
AND
FIFTH ST., CAMPUS AVE. TO MERRILL AVE.**

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

All parcels abutting Pine St. from Laketon Ave. to Dale Ave.

And

All parcels abutting Fifth St. from Campus Ave. to Merrill Ave.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 8, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **February 26, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

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

ENGINEERING FEASIBILITY STUDY

For

Pine Street , Laketon to Dale

The reconstruction of Pine Street between Laketon & Dale, see attached exhibit for location, was initiated by the City and approved under the 2005 CIP. This section of road was identified by staff due to its surface which we believe can be preserved using a milling & resurfacing method at this time rather than waiting until the surface conditions deteriorate to a point where the sub-grade gets damaged and reconstruction, at a much higher per foot cost, becomes the only option. The proposed improvements (milling & resurfacing) consist of following;

1. removing the top three inches of the existing pavement, grade the existing gravel base and top it with two courses of hot mix asphalt
2. adjust drainage structures

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

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

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

The preliminary cost estimate for the work associated with paving is \$217,000 with the length of the project being approximately 840 lineal feet (project length) or 1519' of assessable footage. This translates into an estimated improvement cost of \$32 per assessable foot. The assessment figure will be at a cost not to exceed \$17.50 per assessable foot as established in the 2005 Special Assessment Rates for this type of improvement.

It is worth stating that the final assessment at the time of spreading the roll, upon completion of the construction, is expected to be well below the \$17.50 per foot due to the newly enacted policy of not assessing more than 25% of the actual costs associated with the project. As you can see in the resolution, the percentage is well above the 25% limits and therefore, upon completion and when spreading the roll comes up, I fully expect the per foot cost to drop down closer to \$10.00 per foot

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezhinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

February 23, 2005

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

Mr. Al-Shatel:

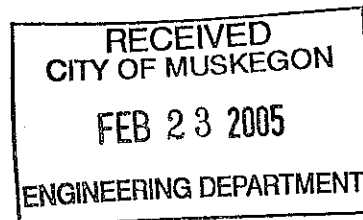
In accordance with your request, I have examined the proposed special assessment district entailing the mill and resurface of Pine Street between Laketon Avenue and Dale Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 23, 2005.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$17.50 for the mill and resurface of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$19.69. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

Vicki A. Emery

Vicki A Emery, CMAE 3
Senior Appraiser



February 25, 2005

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on MARCH 8, 2005. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

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

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

February 25, 2005

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

PINE ST., LAKETON AVE. TO DALE AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Pine St. from Laketon Ave. to Dale 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 8, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$50,000.00 of which approximately 53.17% (\$26,582.50) 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 your assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
PINE ST., LAKETON AVE. TO DALE AVE. - H-1601
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
PINE ST., LAKETON AVE. TO DALE AVE.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

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

Application Requirements:

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

2004

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

- ✓ **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, and to reject any applications that contain falsified information or insufficient documentation.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

Project Description: MILL & RESURFACE

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: \$50.00 Feet

Estimated Front Foot Cost: \$17.50 per Foot

ESTIMATED TOTAL COST \$875.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
COM @ SE COR LOT 10 BLK 306
THENCE SLY ALG WLY LINE PINE ST 15 FT FOR POB
THENCE CONT ALG SD LINE 50 FT TO N LINE OF LAKETON AVE ROW THENCE WLY ALG SD ROW 165.5 FT TO ELY LINE OF TERRACE ST THENCE NWLY ALG

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.

18-00105-0001

SPECIAL ASSESSMENT

H 1601

MILL & RESURFACE

HEARING DATE

MARCH 8, 2005

PINE ST., LAKETON AVE. TO DALE AVE.

1	CITY OF MUSKEGON	ASSESSABLE FEET:	50
24-205-306-0010-00	933 TERRACE ST	COST PER FOOT:	\$17.50
@ 300.0 E LAKETON A	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$875.00
2	RYKE HENRY C/ELLEN D	ASSESSABLE FEET:	90
24-205-306-0005-00	1611 WESTWIND CT	COST PER FOOT:	\$17.50
@ 1788. TERRACE S	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,575.00
3	RYKE HENRY C TRUST	ASSESSABLE FEET:	45
24-205-306-0013-00	1611 WESTWIND CT	COST PER FOOT:	\$17.50
@ 1773. PINE ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$787.50
4	CHASE MANHATTAN MORTGAG	ASSESSABLE FEET:	30
24-205-306-0014-00	3415 VISION DR	COST PER FOOT:	\$17.50
@ 1767. PINE ST	COLUMBUS OH 43219-600	ESTIMATED P.O. COST:	\$525.00
5	RYKE HENRY C TRUST	ASSESSABLE FEET:	60
24-205-306-0015-00	1611 WESTWIND CT	COST PER FOOT:	\$17.50
@ 1759. PINE ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,050.00
6	SACRED SUDS	ASSESSABLE FEET:	55
24-205-306-0017-00	PO BOX 4115	COST PER FOOT:	\$17.50
@ 289.0 E LARCH AVE	MUSKEGON MI 49444-411	ESTIMATED P.O. COST:	\$962.50
7	VELAZQUEZ AUGUSTIN	ASSESSABLE FEET:	80
24-205-298-0015-10	1983 FRANCIS AVE	COST PER FOOT:	\$17.50
@ 1731. PINE ST	MUSKEGON MI 49441-311	ESTIMATED P.O. COST:	\$1,400.00

PINE ST., LAKETON AVE. TO DALE AVE.

8	CONTIMORTGAGE CORP	ASSESSABLE FEET:	40
24-205-298-0018-00	PO BOX 900 STE 32	COST PER FOOT:	\$17.50
@ 1721. PINE ST	HATBORO PA 19040-090	ESTIMATED P.O. COST:	\$700.00
9	BAKER KELLY K	ASSESSABLE FEET:	37.5
24-205-298-0019-00	1715 PINE ST	COST PER FOOT:	\$17.50
@ 1715. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$656.25
10	BELL LATRICIA	ASSESSABLE FEET:	37.5
24-205-298-0020-00	1709 PINE ST	COST PER FOOT:	\$17.50
@ 1709. PINE ST	MUSKEGON MI 49442-074	ESTIMATED P.O. COST:	\$656.25
11	WESTERMAN NATALIE ET AL	ASSESSABLE FEET:	37.5
24-205-298-0022-00	1705 PINE ST	COST PER FOOT:	\$17.50
@ 1705. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$656.25
12	HOFFMAN SHIRLEY L	ASSESSABLE FEET:	37.5
24-205-298-0023-00	1699 PINE ST	COST PER FOOT:	\$17.50
@ 1699. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$656.25
13	CITIFINANCIAL INC	ASSESSABLE FEET:	60
24-205-298-0024-00	7467 NEW RIDGE RD	COST PER FOOT:	\$17.50
@ 1691. PINE ST	HANOVER MD 21076	ESTIMATED P.O. COST:	\$1,050.00
14	CRAIN GARY M/MARY TRUST	ASSESSABLE FEET:	60
24-205-298-0026-00	1423 MARCOUX	COST PER FOOT:	\$17.50
@ 1683. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,050.00

PINE ST., LAKETON AVE. TO DALE AVE.

15	CRAIN GARY M/MARY C TRUST	ASSESSABLE FEET:	47.5
24-205-298-0028-00	1423 MARCOUX	COST PER FOOT:	\$17.50
@ 1675. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$831.25
16	CITY OF MUSKEGON	ASSESSABLE FEET:	50
24-205-307-0010-10	933 TERRACE ST	COST PER FOOT:	\$17.50
@ 350.0 E LAKETON A	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$875.00
17	RYKE HENRY C/ELLEN D	ASSESSABLE FEET:	37.6
24-205-307-0009-00	1611 WESTWIND CT	COST PER FOOT:	\$17.50
@ 1786. PINE ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$658.00
18	ZAVITZ ROBERT C/JANICE A	ASSESSABLE FEET:	44
24-205-307-0007-00	1778 PINE ST	COST PER FOOT:	\$17.50
@ 1778. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$770.00
19	KOEMAN JANICE F	ASSESSABLE FEET:	33.8
24-205-307-0006-00	5180 CHICAGO DR	COST PER FOOT:	\$17.50
@ 1772. PINE ST	HUDSONVILLE MI 49426	ESTIMATED P.O. COST:	\$591.50
20	ARELLANO ADAN/MARIA D	ASSESSABLE FEET:	34.6
24-205-307-0005-00	1768 PINE ST	COST PER FOOT:	\$17.50
@ 1768. PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$605.50
21	MCALLISTER BIRDIE M	ASSESSABLE FEET:	60
24-205-307-0003-00	199 W MAPLEWOOD AVE	COST PER FOOT:	\$17.50
@ 1766. PINE ST	MUSKEGON MI 49444-000	ESTIMATED P.O. COST:	\$1,050.00

PINE ST., LAKETON AVE. TO DALE AVE.

22	WOODS TERESA R	ASSESSABLE FEET:	55
24-205-307-0001-00	1750 PINE ST	COST PER FOOT:	\$17.50
@ 1750. PINE ST	MUSKEGON MI 49442-569	<u>ESTIMATED P.O. COST:</u>	<u>\$962.50</u>
23	JONES BOBBIE	ASSESSABLE FEET:	60
24-205-297-0013-00	320 E LARCH AVE	COST PER FOOT:	\$17.50
@ 320.0 E LARCH AVE	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,050.00</u>
24	STILLE ALLEN	ASSESSABLE FEET:	60
24-205-297-0011-00	1957 VALLEY ST	COST PER FOOT:	\$17.50
@ 1726. PINE ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,050.00</u>
25	CITY OF MUSKEGON	ASSESSABLE FEET:	30
24-205-297-0010-00	933 TERRACE ST	COST PER FOOT:	\$17.50
@ 1716. PINE ST	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	<u>\$525.00</u>
26	CONTIMORTGAGE CORP	ASSESSABLE FEET:	30
24-205-297-0009-00	PO BOX 900 STE 32	COST PER FOOT:	\$17.50
@ 1712. PINE ST	HATBORO PA 19040-090	<u>ESTIMATED P.O. COST:</u>	<u>\$525.00</u>
27	BAUER JAMES R	ASSESSABLE FEET:	30
24-205-297-0008-00	1396 PINE ST	COST PER FOOT:	\$17.50
@ 1708. PINE ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$525.00</u>
28	PEREZ MICHELLE M	ASSESSABLE FEET:	44
24-205-297-0007-00	1702 PINE ST	COST PER FOOT:	\$17.50
@ 1702. PINE ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$770.00</u>

PINE ST., LAKETON AVE. TO DALE AVE.

29	RAMOS JOEL D	ASSESSABLE FEET:	46
24-205-297-0005-00	1945 SMITH ST	COST PER FOOT:	\$17.50
@ 1694. PINE ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$805.00</u>

30	MCCOWAN LINDA FLOYD	ASSESSABLE FEET:	48
24-205-297-0004-00	155 W BROADWAY AVE	COST PER FOOT:	\$17.50
@ 1690. PINE ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$840.00</u>

31	GORDON EUGENE	ASSESSABLE FEET:	42
24-205-297-0002-00	1682 PINE ST	COST PER FOOT:	\$17.50
@ 1682. PINE ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$735.00</u>

32	DYK SCOTT	ASSESSABLE FEET:	46.5
24-205-297-0001-00	PO BOX 513	COST PER FOOT:	\$17.50
@ 1676. PINE ST	GRAND HAVEN MI 49417	<u>ESTIMATED P.O. COST:</u>	<u>\$813.75</u>

SUM OF ASSESSABLE FOOTAGE:	<u>1519.00</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$26,582.50</u>
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TOTAL NUMBER OF ASSESSABLE PARCELS	32.00
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SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

Project Description: MILL & RESURFACE

INSTRUCTIONS

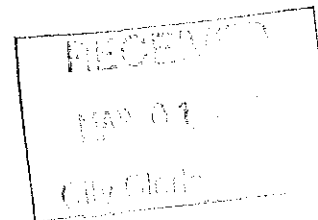
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Assessment Information

Property Address:	1715 PINE ST
Parcel Number	24-205-298-0019-00
Assessable Frontage:	\$37.50 Feet
Estimated Front Foot Cost:	\$17.50 per Foot
ESTIMATED TOTAL COST	\$656.25

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 19 & S 7 1/2 FT LOT 20
BLK 298



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

Kelly K Buerthman

Co Owner/Spouse

Robert C Hauser

Signature

Kelly K Buerthman

Signature

[Signature]

Address

1715 PINE ST

Address

1715 PINE 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 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

Project Description: MILL & RESURFACE

INSTRUCTIONS

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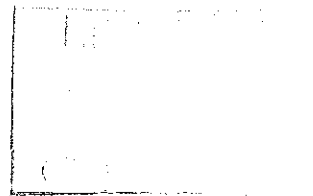
Assessment Information

Property Address: 1766 PINE ST
Parcel Number 24-205-307-0003-00
Assessable Frontage: \$60.00 Feet
Estimated Front Foot Cost: \$17.50 per Foot

ESTIMATED TOTAL COST \$1,050.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 3 & 4 BLK 307



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 Birdie McAllister CoOwner/Spouse _____

Signature Birdie McAllister Signature _____

Address 199W Maplewood 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 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

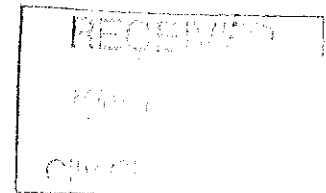
Project Description: MILL & RESURFACE

INSTRUCTIONS

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Assessment Information

Property Address:	1726 PINE ST
Parcel Number	24-205-297-0011-00
Assessable Frontage:	\$60.00 Feet
Estimated Front Foot Cost:	\$17.50 per Foot
ESTIMATED TOTAL COST	\$1,050.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 11 & 12 BLK 297

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

ALLEN STILLE

CoOwner/Spouse

Signature

Allen Stille

Signature

Address

2611 STRAND RD.

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 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

Project Description: MILL & RESURFACE

INSTRUCTIONS

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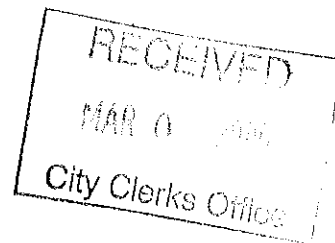
Assessment Information

Property Address: 1759 PINE ST
Parcel Number 24-205-306-0015-00
Assessable Frontage: \$60.00 Feet
Estimated Front Foot Cost: \$17.50 per Foot

ESTIMATED TOTAL COST \$1,050.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 15 & 16 BLK 306



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.

MUSKEGON MI.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

Project Description: MILL & RESURFACE

INSTRUCTIONS

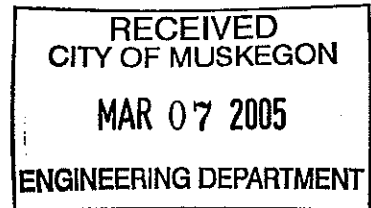
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Assessment Information

Property Address:	1731 PINE ST
Parcel Number	24-205-298-0015-10
Assessable Frontage:	\$80.00 Feet
Estimated Front Foot Cost:	\$17.50 per Foot
ESTIMATED TOTAL COST	\$1,400.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
E 91 FT LOTS 15 & 16 &
E 91 FT OF S 20 FT LOT 17
BLK 298



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>August Velazquez</u>	CoOwner/Spouse	_____
Signature	<u>[Signature]</u>	Signature	_____
Address	<u>1983 Frances</u>	Address	_____

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

CLARK COUNTY ENGINEERING

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

Project Description: MILL & RESURFACE

INSTRUCTIONS

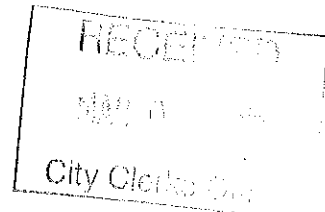
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Assessment Information

Property Address:	1699 PINE ST
Parcel Number	24-205-298-0023-00
Assessable Frontage:	\$37.50 Feet
Estimated Front Foot Cost:	\$17.50 per Foot
ESTIMATED TOTAL COST	\$656.25

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
N 7 1/2 FT LOT 22
& ALL LOT 23
BLK 298



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

Shirley L. Hoffman

CoOwner/Spouse

Signature

16 16 16

Signature

Address

1699 Pine 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 8, 2005

Project Title: PINE ST., LAKETON AVE. TO DALE AVE.

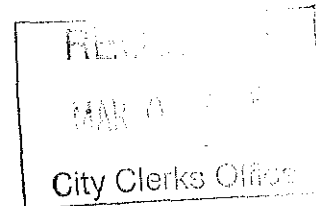
Project Description: MILL & RESURFACE

INSTRUCTIONS

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Assessment Information

Property Address:	1708 PINE ST
Parcel Number	24-205-297-0008-00
Assessable Frontage:	\$30.00 Feet
Estimated Front Foot Cost:	\$17.50 per Foot
ESTIMATED TOTAL COST	\$525.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 8
BLK 297

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.

H-1601 PINE STREET, LAKETON AVE. TO DALE AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 32									
			FOR			OPPOSE						
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1519.00 ***							12	1699	PINE	24-205-298-0023-00	37.50
								27	1708	PINE	24-205-297-0008-00	30.00
FRONT FEET OPPOSED	365.00	24.03%						9	1715	PINE	24-205-298-0019-00	37.50
								24	1726	PINE	24-205-297-0011-00	60.00
RESPONDING FRONT FEET IN FAVOR	0.00	0.00%						7	1731	PINE	24-205-298-0015-10	80.00
								5	1759	PINE	24-205-306-0015-00	60.00
NOT RESPONDING - FRONT FEET IN FAVOR	1154.00	75.97%						21	1766	PINE	24-205-307-0003-00	60.00
TOTAL FRONT FEET IN FAVOR	1154.00	75.97%										

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Fifth St., Campus to Merrill St.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for the **Fifth St., Campus to Merrill**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-25(d)

Resolution At First Hearing Creating Special Assessment District
For **Fifth Street, Campus to Merrill**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 8, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 8, 2005**, there were 23.32% 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 **22.74%** 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: Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 8, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

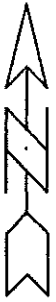
EXHIBIT A

FIFTH ST., CAMPUS AVE. TO MERRILL AVE.

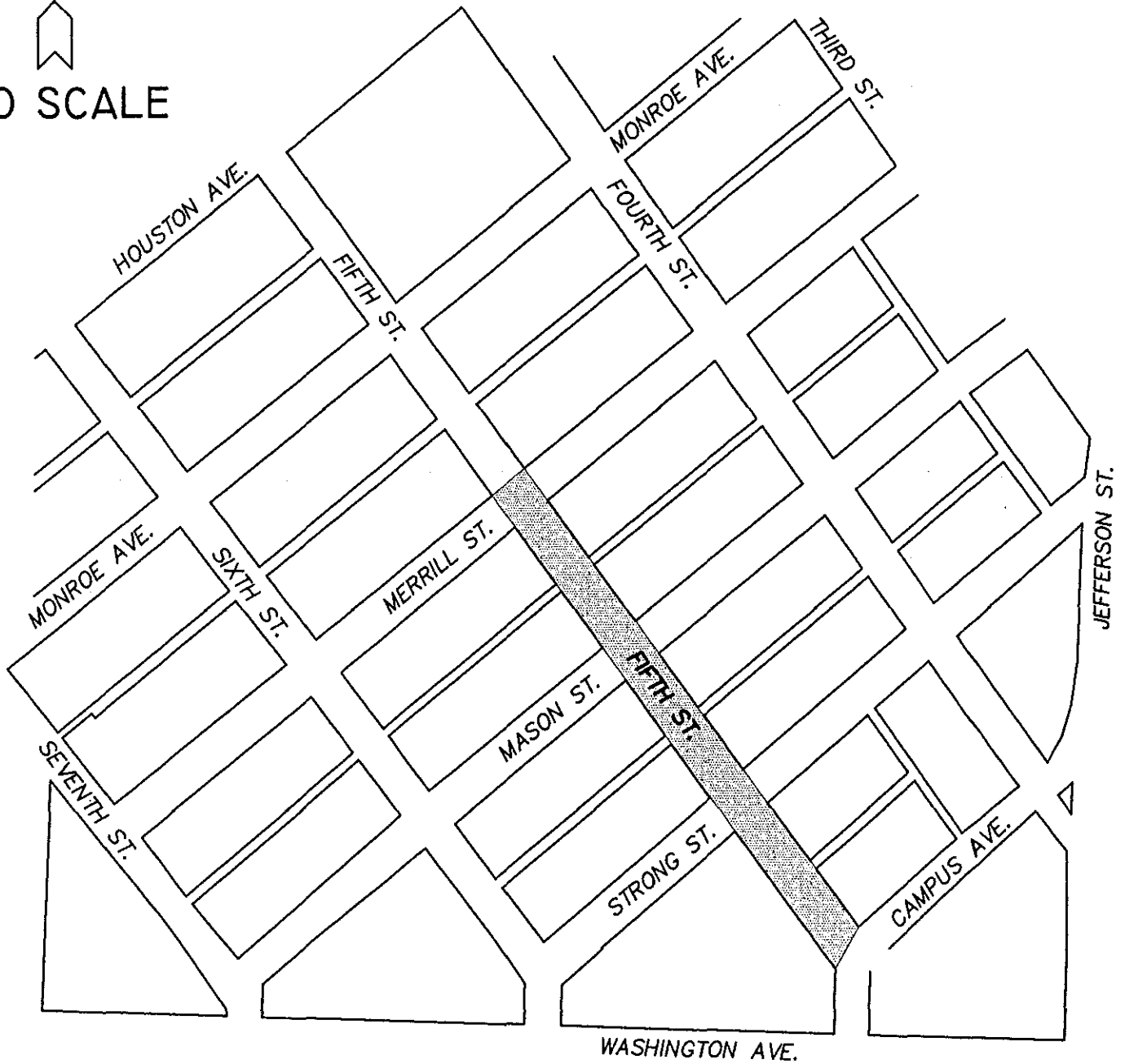
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Fifth Street between Campus & Merrill

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



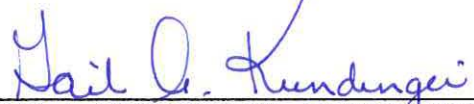
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Fifth St. Campus Ave. to Merrill St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 25TH DAY OF FEBRUARY, 2005.



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
24th DAY OF March, 2005.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

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:

PINE ST., LAKETON AVE. TO DALE AVE.
AND
FIFTH ST., CAMPUS AVE. TO MERRILL AVE.

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

All parcels abutting Pine St. from Laketon Ave. to Dale Ave.

And

All parcels abutting Fifth St. from Campus Ave. to Merrill Ave.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 8, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **February 26, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

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

ENGINEERING FEASIBILITY STUDY

For

Fifth Street, Campus to Merrill

The reconstruction of Fifth Street between Campus & Merrill, see attached exhibit for location, was initiated by the City as per the adopted the 2005 CIP. This section of road was identified by staff due to its surface and subsurface conditions; the road surface has an average PCI of less than 20 which is a "fail" category. As for the subsurface conditions, the street's drainage, sanitary sewer & water main all have to be replaced along with services since they have been a source of concern in the past. The existing pavement has deteriorated to a level where, we believe, a total reconstruction is necessary. The proposed improvements (reconstruction) consist of following;

1. Complete removal of existing pavement and replace with a new asphalt street section that would include curb & gutter and a proposed width of 28' back to back.
2. replace sanitary sewer & services
3. replace water main and services
4. replace storm sewer system

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

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

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

The preliminary cost estimate for the work associated with paving is \$217,000 with the length of the project being approximately 1300 lineal feet (project length) or 1542' of assessable footage. This translates into an estimated improvement cost of \$140 per assessable foot. The assessment figure will be at a cost not to exceed \$32.00 per assessable foot as established in the 2005 Special Assessment Rates for this type of improvement

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

February 23, 2005

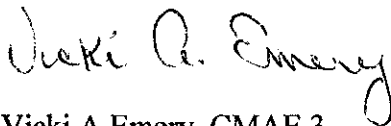
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

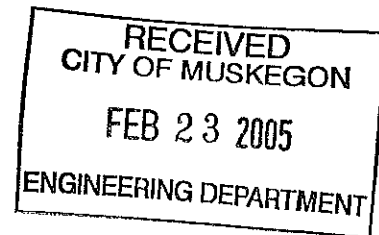
In accordance with your request, I have examined the proposed special assessment district entailing the new construction of Fifth Street between Campus Avenue and Merrill Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 23, 2005.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$32.00 for the reconstruction and utilities of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$33.91. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3
Senior Appraiser



February 25, 2005

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on MARCH 8, 2005. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

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

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

February 25, 2005

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

The proposed special assessment district will be located as follows:

All parcels abutting Fifth st. from Campus Ave. to Merrill St.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 8, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$217,000.00 of which approximately 22.74% (\$49,344.00) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment 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
FIFTH ST., CAMPUS AVE. TO MERRILL. – H-1599
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
FIFTH AVE. CAMPUS AVE. TO MERRILL ST.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

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

Application Requirements:

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

2004

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

- ✓ **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, and to reject any applications that contain falsified information or insufficient documentation.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES

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: \$66.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,112.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
N 1/2 LOT 6 BLK 387

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.

SPECIAL ASSESSMENT

H 1599

RECONSTRUCTION & UTILITIES

HEARING DATE

MARCH 8, 2005

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

1	WASHINGTON WILLIAM G III	ASSESSABLE FEET:	66
24-205-387-0006-00	41 PUTANM ST SW	COST PER FOOT:	\$32.00
@ 1288. 5TH ST	GRAND RAPIDS MI 49507	ESTIMATED P.O. COST:	\$2,112.00
2	ENGLE REALTY	ASSESSABLE FEET:	66
24-205-387-0006-10	PO BOX 503	COST PER FOOT:	\$32.00
@ 1296. 5TH ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$2,112.00
3	ROBERTS BEN JR	ASSESSABLE FEET:	66
24-205-387-0007-00	864 EMERALD ST	COST PER FOOT:	\$32.00
@ 1304. 5TH ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$2,112.00
4	ROBERTS BEN JR	ASSESSABLE FEET:	66
24-205-387-0007-10	864 EMERALD	COST PER FOOT:	\$32.00
@ 248.0 MASON AVE	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$2,112.00
5	NELSON NBHD IMPROVEMENT	ASSESSABLE FEET:	66
24-205-392-0006-00	1330 5TH ST	COST PER FOOT:	\$32.00
@ 1330. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
6	SINGLETON JAMES L	ASSESSABLE FEET:	66
24-205-392-0006-10	3925 E APPLE AVE	COST PER FOOT:	\$32.00
@ 1336. 5TH ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$2,112.00
7	MOORE INVESTMENT PROPERT	ASSESSABLE FEET:	66
24-205-392-0007-00	P O BOX 5377	COST PER FOOT:	\$32.00
@ 1346. 5TH ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$2,112.00

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

8	JACKSON DOROTHY J	ASSESSABLE FEET:	66
24-205-392-0007-10	1352 5TH ST	COST PER FOOT:	\$32.00
@ 1352. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
9	ELIJAH ISAIAH ET AL	ASSESSABLE FEET:	44.17
24-205-397-0010-00	1368 5TH ST	COST PER FOOT:	\$32.00
@ 1368. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,413.44
10	MORTGAGE ELECTRONIC REGI	ASSESSABLE FEET:	46.5
24-205-397-0010-10	1270 NORTHLAND DR STE 200	COST PER FOOT:	\$32.00
@ 1374. 5TH ST	SAINT PAUL MN 55120-117	ESTIMATED P.O. COST:	\$1,488.00
11	MAYBANKS GEORGE W	ASSESSABLE FEET:	49.33
24-205-397-0010-20	1378 5TH ST	COST PER FOOT:	\$32.00
@ 1378. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,578.56
12	WILLIAMS ELTON D	ASSESSABLE FEET:	47
24-205-397-0009-00	1384 5TH ST	COST PER FOOT:	\$32.00
@ 1384. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,504.00
13	COOPER IRENE	ASSESSABLE FEET:	43.33
24-205-397-0009-10	1388 5TH ST	COST PER FOOT:	\$32.00
@ 1388. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,386.56
14	BISSON RICHARD E	ASSESSABLE FEET:	47.67
24-205-397-0009-20	1392 5TH ST	COST PER FOOT:	\$32.00
@ 1392. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,525.44

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

15	BARNES CLIFFORD	ASSESSABLE FEET:	44
24-205-388-0001-00	829 TEMPLE SE	COST PER FOOT:	\$32.00
@ 1285. 5TH ST	GRAND RAPIDS MI 49507	ESTIMATED P.O. COST:	\$1,408.00
16	JENKINS EDDIE B	ASSESSABLE FEET:	44
24-205-388-0001-10	1291 5TH ST	COST PER FOOT:	\$32.00
@ 1291. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,408.00
17	BABBITT LYLE B/PHYLLIS	ASSESSABLE FEET:	44
24-205-388-0001-20	1297 5TH ST	COST PER FOOT:	\$32.00
@ 1297. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,408.00
18	KING DAVID LODGE 20	ASSESSABLE FEET:	66
24-205-388-0012-00	PO BOX 1647	COST PER FOOT:	\$32.00
@ 260.0 MASON AVE	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$2,112.00
19	STEWART ETHEL	ASSESSABLE FEET:	66
24-205-391-0001-00	261 MASON	COST PER FOOT:	\$32.00
@ 261.0 MASON AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
20	HARRIS LUVENIA	ASSESSABLE FEET:	66
24-205-391-0001-10	1335 5TH ST	COST PER FOOT:	\$32.00
@ 1335. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
21	WILLIAMS BOBBY J	ASSESSABLE FEET:	66
24-205-391-0014-00	1345 5TH ST	COST PER FOOT:	\$32.00
@ 1345. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

22	HOWARD GREGORY C/BETTY L	ASSESSABLE FEET:	66
24-205-391-0013-10	1353 5TH ST	COST PER FOOT:	\$32.00
@ 1353. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00

23	JENKINS GLEN	ASSESSABLE FEET:	35
24-205-398-0001-00	223 STRONG AVE	COST PER FOOT:	\$32.00
@ 223.0 STRONG AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,120.00

24	DEUTSCH JOSEPH	ASSESSABLE FEET:	70
24-205-398-0001-10	1375 5TH ST	COST PER FOOT:	\$32.00
@ 1375. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,240.00

25	WILLIAMS ELTON	ASSESSABLE FEET:	46
24-205-398-0014-00	1385 5TH ST	COST PER FOOT:	\$32.00
@ 1385. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,472.00

26	FULLONUS LLC	ASSESSABLE FEET:	70
24-205-398-0014-10	12331 JAMES ST STE 515	COST PER FOOT:	\$32.00
@ 1389. 5TH ST	HOLLAND MI 49424	ESTIMATED P.O. COST:	\$2,240.00

27	CROCKER JAMES D/KRISTY R	ASSESSABLE FEET:	53
24-205-398-0013-00	1403 5TH ST	COST PER FOOT:	\$32.00
@ 1403. 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,696.00

SUM OF ASSESSABLE FOOTAGE:	1542.00	SUM OF ESTIMATED P.O. COST:	\$49,344.00
----------------------------	---------	-----------------------------	-------------

TOTAL NUMBER OF ASSESSABLE PARCELS	27.00
------------------------------------	-------

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES

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: 1392 5TH ST
Parcel Number: 24-205-397-0009-20
Assessable Frontage: \$47.67 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,525.44

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
SELY 47 2/3 FT OF SWLY 67 3/4 FT LOT 8 &
SELY 47 2/3 FT LOT 9 BLK 397



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

RICHARD E. BISSON

Owner/Spouse

MARY A. BISSON

Signature

Richard E. Bisson

Signature

Mary A. Bisson

Address

1392 5TH

Address

1392 5TH

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

CRS-111 RICHARD

Clarke office

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

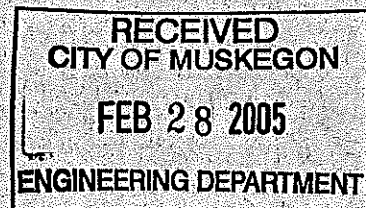
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Assessment Information

Property Address: 1297 5TH ST
Parcel Number 24-205-388-0001-20
Assessable Frontage: \$44.00 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,408.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
SLY 44 FT LOTS 1 & 2
& E 2 FT OF S 44 FT LOT 3 BLK 388



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

Phyllis Babbitt

CoOwner/Spouse

Signature

Phyllis Babbitt

Signature

Address

1297 5th St

Address

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

DABBITT EYLE BPHYLLIS

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address:	1296 5TH ST
Parcel Number	24-205-387-0006-10
Assessable Frontage:	\$66.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,112.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 1/2 LOT 6 BLK 387

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: Linda Wood / MRS Corp CoOwner/Spouse _____

Signature: Linda Wood

Signature _____

Address: 1054 503 Madison MI

Address _____

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

ENGLE REALTY

2

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: **MARCH 8, 2005**

Project Title: **FIFTH ST., CAMPUS AVE. TO MERRILL ST.**

Project Description: **RECONSTRUCTION & UTILITIES**

INSTRUCTIONS

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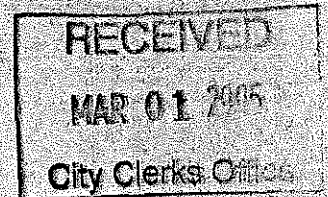
Assessment Information

Property Address: **1403 5TH ST**
Parcel Number **24-205-398-0013-00**
Assessable Frontage: **\$53.00** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$1,696 00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 13 BLK 398 &
COM AT NE COR LOT 11
TH S ALG E LN LOT 11 6 FT TO POB
TH CONT S ALG E LN LOT 11 10 FT NWLY 9 FT TO A PT 4 FT SWLY OF POB TH NELY 4 FT TO POB



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 Crocker

CoOwner/Spouse

Kristy Crocker

Signature

[Signature]

Signature

Kristy Crocker

Address

1403 Fifth St

Address

1403 Fifth St.

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

CROCKER JAMES & KRISTY

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

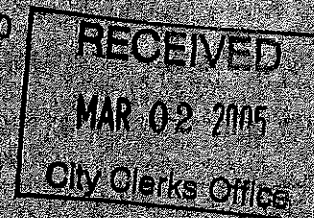
Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address:	1336 5TH ST
Parcel Number	24-205-392-0006-10
Assessable Frontage:	\$66.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,112.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 1/2 LOT 6 BLK 392

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 L. Singleton CoOwner/Spouse

Joyce M. Singleton

Signature [Signature] Signature [Signature]

Address 3925 Apple Avenue

Address 3925 Apple Avenue

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

SINGLETON JAMES L

8

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Joseph Deutsch

CoOwner/Spouse

Signature

Joseph Deutsch

Signature

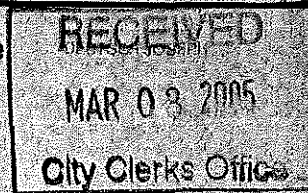
Address

1375 5th St.

Address

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

MUSKEGON, MI 49441



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

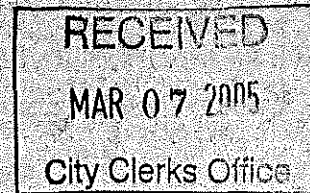
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Assessment Information

Property Address:	1335 5TH ST
Parcel Number	24-205-391-0001-10
Assessable Frontage:	\$66.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,112.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 1/2 LOT 1 BLK 391



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

Luzenia Lewis

CoOwner/Spouse

Signature

Signature

Address

1335 5th Street

Address

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

HARRIS L JVENIA

20

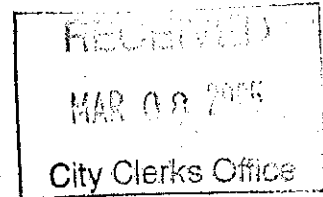
SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES



INSTRUCTIONS

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Assessment Information

Property Address:	223 STRONG AVE
Parcel Number	24-205-398-0001-00
Assessable Frontage:	\$35.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,120.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
N 1/2 LOT 1 BLK 398

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

Glen Jenkins

CoOwner/Spouse

Signature

Glen Jenkins

Signature

Address

223 Strong

Address

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

City Clerk

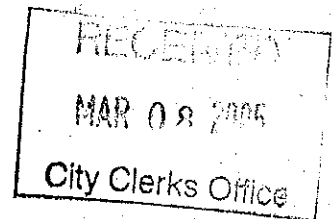
SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: MARCH 8, 2005

Project Title: FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Project Description: RECONSTRUCTION & UTILITIES



INSTRUCTIONS

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Assessment Information

Property Address: 1291 5TH ST
Parcel Number 24-205-388-0001-10
Assessable Frontage: \$44.00 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,408.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
NELY 92 FT OF SE 44 FT OF NW 88 FT OF LOTS 1-2 BLK 388

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 Eddie B. Jenkins CoOwner/Spouse Nancy Jenkins

Signature Eddie B. Jenkins Signature Nancy Jenkins

Address 1291 Fifth Address 1291 Fifth

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

JEK:KNS:ET:04/05

H-1599 FIFTH ST., CAMPUS AVE. TO MERRILL AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	<u>TOTAL NUMBER OF PARCELS - 27</u>									
			<u>FOR</u>					<u>OPPOSE</u>				
			<u>LETTER#</u>	<u>ST#</u>	<u>ST NAME</u>	<u>PARCEL#</u>	<u>FEET</u>	<u>LETTER#</u>	<u>ST#</u>	<u>ST NAME</u>	<u>PARCEL#</u>	<u>FEET</u>
TOTAL ASSESSABLE FRONT FOOTAGE	1542.00 ***		2	1296	FIFTH	24-205-387-0006-10	66.00	16	1291	FIFTH	24-205-388-0001-10	44.00
FRONT FEET OPPOSED	359.67	23.32%	20	1335	FIFTH	24-205-391-0001-10	66.00	17	1297	FIFTH	24-205-388-0001-20	44.00
								6	1336	FIFTH	24-205-392-0006-10	66.00
RESPONDING FRONT FEET IN FAVOR	132.00	8.56%						24	1375	FIFTH	24-205-398-0001-10	70.00
								14	1392	FIFTH	24-205-397-0009-20	47.67
NOT RESPONDING - FRONT FEET IN FAVOR	1050.33	68.11%						27	1403	FIFTH	24-205-398-0013-00	53.00
								23	223	STRONG	24-205-398-0001-00	35.00
TOTAL FRONT FEET IN FAVOR	1182.33	76.68%										

TOTALS

132.00

359.67

**THE FARES AND CHARGES FOR TAXICABS IN THE
CITY OF MUSKEGON WERE ESTABLISHED BY THE
MUSKEGON CITY COMMISSION ON MARCH 8, 2005**

TAXICAB RATES SHALL BE AS FOLLOWS:

FLAG DROP	\$2.00 (FIRST 1/7 MILE)
EACH 1/7 MILE	\$.25 (\$1.75 PER FULL MILE)
WAIT TIME	\$18.00 PER HOUR
OUT OF TOWN TRIPS	\$2.00 PER MILE

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Taxicab Rates

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab for an increase in Taxicab fares. The last time there was a change in rates was November 10, 1998. The requested changes are as follows:

Current rates

Flag Drop: \$1.65 (first 1/10 mile)
Each 1/10 Mile \$.15 (\$1.50 per full mile)
Wait Time \$12.00 per hour

Proposed rates

Flag Drop: \$2.00 (first 1/7 mile)
Each 1/7 Mile \$.25 (\$1.75 per full mile)
Wait Time \$18.00 per hour
Out of town trips \$2.00 per mile

Attached are rates for Grand Rapids, Kalamazoo, and Lansing.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

ATTN LINDA - From Craig - Pont city cab

WAKEFIELD LEASING CORP.

PORT CITY CAB CO. YELLOW CAB CO.

Meter Rates

Muskegon City Commisioners,
We at Port City Cab Co./Yellow Cab Co. are requesting a meter
rate hike. We feel this is needed due to increased cost of
gasoline, insurance, and auto parts. The following is what we would
like to request: \$2.00 METER DROP FOR THE FIRST 1/7 OF
MILE, 25CENTS EVERY 1/7TH FOLLOWING, 30CENTS PER
MINUTE WAIT TIME WHICH EQUALS \$18.00 PER HOUR WAIT.
Your understanding in this matter is greatly appreciated. Thank
you.

Sincerely,
Thomas Wakefield
President

Craig Hall
Manager

Thomas Wakefield
Also we would like to ADD
two more taxi's
2.00 per mile out of town trips
Craig R Hall
Thank you

TAXICAB RATES

	Muskegon - Current	Muskegon - Proposed	Grand Rapids	Kalamazoo	Lansing
Flag Drop	\$1.65 (first 1/10 mile)	\$2.00 (first 1/7 mile)	\$2.50 (first 1/7 mile)	\$1.85 (first 1/10 mile)	\$2.25 (first 1/10 mile)
Each Mile	\$1.50 (\$.15 each 1/10)	\$1.75 (\$.25 each 1/7)	\$1.75 (\$.25 each 1/7)	\$1.70 (\$.17 each 1/10)	\$1.80 (\$.20 each 1/9)
Wait Time	\$12.00 per hour	\$18.00 per hour	\$18.00 per hour	\$19.80 per hour	\$18.00 per hour

TAXICAB RATES

Grand Rapids

Flag Drop: \$2.50 (first 1/7 mile)
Each 1/7 mile \$.25 (\$1.75 per full mile)
Wait Time \$.30 (each minute)
(effective 1-1-05)

Kalamazoo

Flag Drop: \$1.85 (first 1/10 mile)
Each 1/10 Mile \$.17 (\$1.70 per full mile)
Wait Time \$.33 (each minute)
(effective 6-18-01)

Lansing

Flag Drop: \$2.25 (first 1/10 mile)
Each 1/9 mile \$.20 (\$1.80 per full mile)
Wait Time \$.30 (each minute)
(effective 5-11-04)

02/22/05 14:53 FAX 616 456 4607

GR CITY CLERK

001/002



FAX TRANSMITTAL

**GRAND RAPIDS CITY CLERK
300 MONROE NW
GRAND RAPIDS MI 49503**

**PHONE: (616) 456-3010
FAX: (616) 456-4607**

February 22, 2005

TO:

Craig Hall

TO:

Port City Taxi

COMPANY

(231) 737-2526

FAX NUMBER

Dawn Kulak

FROM:

2

NUMBER OF PAGES (INCLUDING COVER SHEET)

NOTES:

Following is a copy of the resolution that the Grand Rapids City Commission passed on December 14, 2004 regarding the Taxicab Rate Schedule.

73260 Com. Dean, supported by Com. Rabaut, moved adoption of the following resolution:

WHEREAS, Section 7.101 of Chapter 94 of Title VII of the Code of the City of Grand Rapids provides that the City Commission shall annually adopt a revised taxicab rate schedule equal to the average of the November-November annual adjustment as reported by the U.S. Department of Labor's Intracity Public Transportation Consumer Price Index; and

WHEREAS, the U.S. Department of Labor's Intracity Public Transportation Consumer Price Index increased an average of 6.9% from November 2003 to November 2004; therefore

RESOLVED:

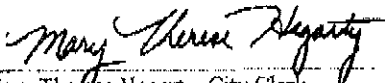
1. That the following taxicab rate schedule be adopted effective January 1, 2005:

For the first one-seventh ($1/7^{\text{th}}$) of a mile or fraction thereof, two dollars and fifty cents (\$2.50); and for each additional one-seventh ($1/7^{\text{th}}$) of a mile, twenty-five cents (\$0.25). For each sixty (60) seconds of waiting time or fraction thereof, thirty cents (\$0.30). No charges shall be made for extra passengers.

2. That no person operating or controlling any taxicab in the City shall charge a greater sum for the use of a taxicab than in accordance with the above listed rates.

Adopted: Yeas: -5 Coms. Dean, Rabaut, Schmidt, White, Mayor Heartwell Nays: -1 Com.
Jendrasiak Absent: -1 Com. Tormala

I hereby certify that the foregoing is a true transcript of the action of the City Commission of the City of Grand Rapids, Michigan, in public session held December 14, 2004.


Mary Therese Hegarty, City Clerk

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 01-59A RESOLUTION ESTABLISHING RATES OF FARE
FOR VEHICLES FOR HIRE

Minutes of a regular meeting of the City Commission of the City held on
June 18, 2001, at 7:00 p.m., local time, at City Hall.

PRESENT, Commissioners: Cooney, Gordon, Heilman, McCann, Teeter, Vice
Mayor McKinney, Mayor Jones

ABSENT, Commissioners: None

The following preamble and resolution was offered by Vice Mayor McKinney and
supported by Commissioner Heilman.

WHEREAS, Section 37-4 of the City of Kalamazoo Code of Ordinances empowers the
City Commission to establish maximum rates of fare which may be charged by licensed vehicles
for hire;

WHEREAS, a request has been made asking that the existing rates of fare, most recently
established in 1998, be increased; and

WHEREAS, the City Commission determines that some of the requested rate increases are
appropriate.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 37-4 of the City of
Kalamazoo Code of Ordinances the following maximum rates may be charged by licensed vehicles
for hire

To enter vehicle / base charge	\$ 1.85
Each addition 1/10 or a mile	\$ 0.17
Waiting time	
First 3 minutes (while loading)	- no charge -
Each additional minute	\$ 0.33

A \$2.00 minimum waiting time charge may be assessed for the second stop, or any
thereafter, during any one trip. It shall not apply to the final destination stop nor the first
stop during said trip.

Minimum Fares

Daytime	\$ 4.00
Nighttime (8 p.m. - 5 a.m.)	\$ 5.00

Weekend/Holiday Surcharge

During the weekend and on specified holidays, a portion of the total fare may be increased by 25%. The fare which may be subject to said increase is the base charge, per mile charge, and waiting time. Not subject to the 25% increase is the extra stop charge and the minimum fare. The 25% increase can be imposed, however, only if the meter within the vehicle reflects the increase. For purposes of the 25% increase, weekend shall be defined as Friday, 8 p.m. until Monday, 5 a.m. The affected holidays shall be New Years Day, Easter, Memorial Day, July 4, Labor Day, Thanksgiving, Christmas Eve (6:00 p.m. or after) and Christmas Day.

The current insurance requirements of \$1,000,000 is reduced to \$500,000.

The above resolution was offered by Vice Mayor McKinney and supported by Commissioner Heilman.

AYES, Commissioners: Cooney, Gordon, Heilman, Vice Mayor McKinney, Mayor Jones

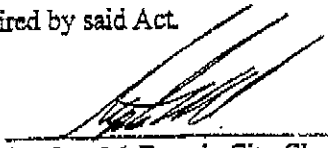
NAYS, Commissioners: McCann, Teeter

ABSTAIN, Commissioners: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on June 18, 2001. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.


Stephen M. French, City Clerk

f:\yes\taxi-new.rates
5/9/01

02/24/2005 09:48

517-485-0522

CAPITOL TRANSPORT

PAGE 01

Attn Linda From lady Portcity cab

CITIES OF LANSING & EAST LANSING

Taxicab RATE CHART

5/11/04

\$2.25

FIRST ONE-TENTH MILE OR FRACTION THEREOF, ONE TO FOUR PASSENGERS

0.20

EACH ADDITIONAL ONE-NINTH MILE OR FRACTION THEREOF, ONE TO FOUR PASSENGERS

0.30

EACH ONE MINUTE WAITING TIME OR CONGESTED TRAFFIC DELAYS (\$18.00 PER HOUR)

**E
X
T
R
A**

\$ 0.50	BAGGAGE, GROCERIES, LAUNDRY, ETC FIRST 50 LBS AND EACH 50 LBS THEREAFTER
\$ 0.50	DELIVERIES OR ERRANDS WITHOUT PASSENGER
\$ 0.25	EACH MILE OR FRACTION BEYOND CITY LIMITS UP TO 10 MILES
\$ 0.50	EACH PASSENGER OVER FOUR

METER CLEARED AFTER EACH PAID FARE

OUTSIDE TRIPS BEYOND TEN MILES - ONE AND ONE-NINTH
METER RATE FOR ONE WAY OR STRAIGHT METER ROUND TRIP

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, 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, 2005, 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. 2005-25(f)

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:

SEE ATTACHED LIST OF VIOLATIONS

AND WHEREAS, a hearing was held on March 8, 2005, 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, 2005, they will be removed from this Resolution.

Approved and adopted this 8th day of March, 2005.

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

NAYS: None

ABSENT: None

By: _____


Gail A. Kunding, MMC

City Clerk

2005 VIOLATIONS

BUSINESS NAME	BUSINESS ADDRESS	OCCUPENCY PERMIT/FIRE	MONEY OWED	INCOME TAX
Captain Jack's Bar & Grill	1601 Beach		X	
Brewer's Brews & Cues	817 Forest		X	
Pat's Roadhouse	157 S. Getty			X
Pop-A-Top Tavern	2185 Henry			X
Lakeshore Tavern	1963 Lakeshore			X
Ghezzi's Market	2017 Lakeshore			X
Docker's Waterfront Café	3505 Marina View		X	
H & J Party Store	939 E Laketon	X		
Kwik-Way Food Mart	45 E Muskegon		X	
Super Stop	2390 W Sherman	X		
Frontier Liquor Shoppe	631 W Southern		X	
Muskegon Family Foods	1157 Third		X	
Wood Street Market	1149 Wood		X	

X represents in violation

CERTIFICATION
2005-25(f)

This resolution was adopted at a regular meeting of the City Commission, held on March 8, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By:


Gail A. Kunderger, MMC
City Clerk

Date: March 8, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: User Fee Adjustment – Daily Launch Ramp Fees

SUMMARY OF REQUEST: Staff is recommending the following adjustment to the 2005 User Fee Schedule:

Creation of a new "Fishing Tournament Launch Ramp Fee" – 2005 user fees approved last year included an increase in daily launch ramp fees from \$5.00 to \$10.00. Interested parties have expressed concern that the increase may harm sponsored fishing tournaments which bring substantial economic benefit to the community. Staff concurs with this and recommends that a special tournament fee category be established at \$5.00 per day. Staff recommends keeping the regular daily launch ramp fee at the \$10.00 level. This will help cover operating costs for the Marina and Launch Ramp fund. Also, we are trying to incentivize boaters to purchase seasonal permits in lieu of daily permits because of the enforcement problems that daily permits pose. Seasonal permit fees were not increase for 2005.

Attached is a schedule showing how Muskegon's launch ramp fees compare with other communities. Although our fees are higher than many other communities, staff believes the pricing is appropriate due to the very high-quality of our facilities and boating opportunities.

FINANCIAL IMPACT: The impact of this adjustment on city revenues will minor and is offset by the overall local economic benefit that fishing tournaments provide.

BUDGET ACTION REQUIRED: None.

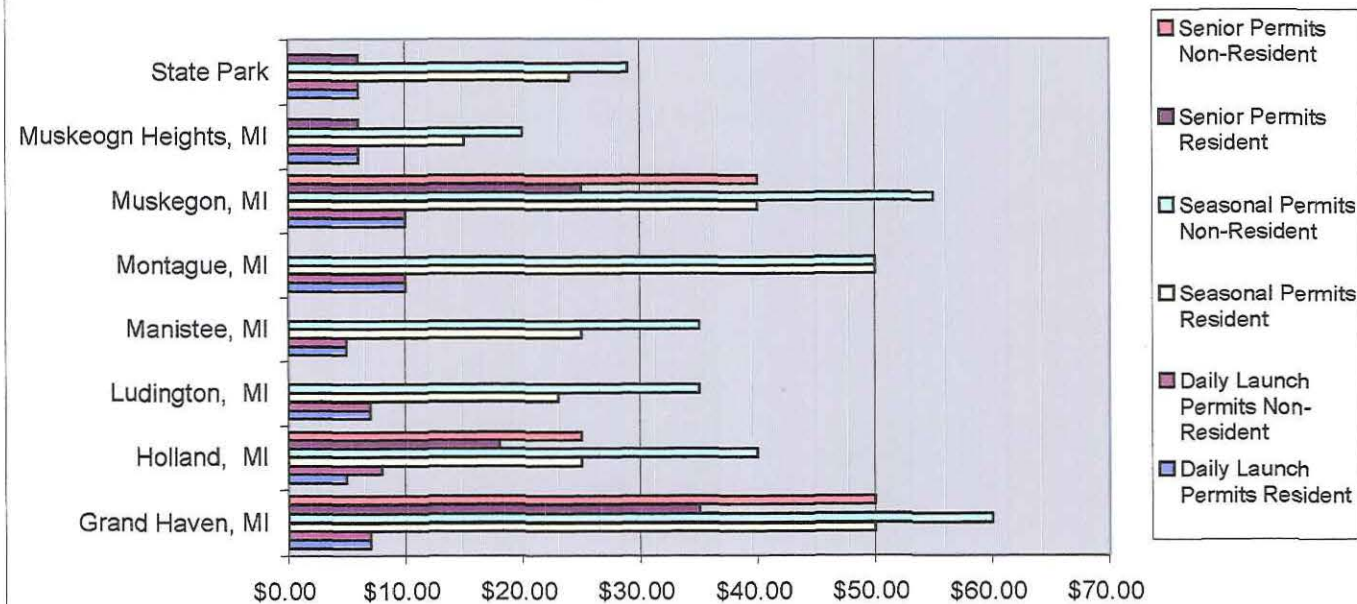
STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

Local Municipal Marina Boat Launch Fees

	Daily Launch Permits		Seasonal Permits		Senior Permits	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Grand Haven, MI	\$7.00	\$7.00	\$50.00	\$60.00	\$35.00	\$50.00
Holland, MI	\$5.00	\$8.00	\$25.00	\$40.00	\$18.00	\$25.00
Ludington, MI	\$7.00	\$7.00	\$23.00	\$35.00	N/A	N/A
Manistee, MI	\$5.00	\$5.00	\$25.00	\$35.00	N/A	N/A
Montague, MI	\$10.00	\$10.00	\$50.00	\$50.00	N/A	N/A
Muskegon, MI	\$10.00	\$10.00	\$40.00	\$55.00	\$25.00	\$40.00
Muskeogn Heights, MI	\$6.00	\$6.00	\$15.00	\$20.00	\$6.00	N/A
State Park	\$6.00	\$6.00	\$24.00	\$29.00	\$6.00	N/A
Average	\$7.00	\$7.38	\$31.50	\$40.50	\$18.00	\$38.33
Highest	\$10.00	\$10.00	\$50.00	\$60.00	\$35.00	\$50.00
Lowest	\$5.00	\$5.00	\$15.00	\$20.00	\$6.00	\$25.00

Local Municipalities Boat Launch Fee



Gail R.

LEWIS REED & ALLEN P.C.

Attorneys

W. Fred Allen, Jr.
Stephen M. Denenfeld
Robert C. Engels
Anne M. Fries
David A. Lewis
Dean S. Lewis
James M. Marquardt
Michael B. Ortega
William A. Redmond
Richard D. Reed
Thomas C. Richardson
Michael A. Shields
Gregory G. St. Arnauld

136 East Michigan Avenue, Suite 800
Kalamazoo, Michigan 49007-3975

Telephone 269-388-7600
Fax 269-349-3831

Of Counsel
Willy Nordwind, Jr.

Gould Fox
(1905-2002)

Winfield J. Hollander
(1906-1996)

RECEIVED

MAR 18 2005

MUSKEGON
CITY MANAGER'S OFFICE

March 16, 2005

TO: MUSKEGON MUNICIPAL WASTEWATER MANAGEMENT COMMITTEE MEMBERS

Re: First Addendum to Amended Service Agreement (Sappi Agreement)

Dear Members:

Enclosed for your files is a fully executed copy of the First Addendum to Amended Service Agreement, incorporating the Sappi Wastewater rate reduction.

A few minor points. First, I realized that I had not included Montague Township in the first paragraph of the Addendum, and that has now been added. All parties, including Montague Township, have signed.

Second, at page 4 of the Addendum, the Agreement has no specified effective date. I had anticipated that the County would date the Agreement, as the County was the last signatory. However, I don't think this is important, and I simply refer to this as the "2004 First Addendum to Amended Service Agreement." The First Addendum is no less binding.

Please let me know if you have any questions.

Sincerely,

LEWIS REED & ALLEN P.C.

Michael B. Ortega

Michael B. Ortega

MBO:der
Enclosure

cc: Thoa Du (w/enclosure)
Dave Kendrick (w/enclosure)

AGENDA ITEM NO. _____

CITY COMMISSION MEETING March 8, 2005

TO: Honorable Mayor and City Commissioners
FROM: City Manager Bryon Mazade
DATE: February 17, 2005
RE: Amendment to the Wastewater System's Access Rights Agreement

SUMMARY OF REQUEST:

To approve the first amendment to the wastewater system's Access Rights Agreement.
This amendment would eliminate the "buy-in" requirements of the Access Rights Agreement.

FINANCIAL IMPACT:

None anticipated.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached amendment.

COMMITTEE RECOMMENDATION:

The City Commission will consider this amendment at their work session on 3/7/05.

LEWIS REED & ALLEN P.C.
Attorneys

W. Fred Allen, Jr.
Stephen M. Denenfeld
Robert C. Engels
Anne M. Fries
David A. Lewis
Dean S. Lewis
James M. Marquardt
Michael B. Ortega
William A. Redmond
Richard D. Reed
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Michael A. Shields
Gregory G. St. Arnaud

136 East Michigan Avenue, Suite 800
Kalamazoo, Michigan 49007-3975

Telephone 269-388-7600
Fax 269-349-3831

Of Counsel
Willy Nordwind, Jr.

Gould Fox
(1905-2002)

Winfield J. Hollander
(1906-1996)

January 25, 2005

**TO: MUSKEGON MUNICIPAL WASTEWATER MANAGEMENT
COMMITTEE MEMBERS**

Re: Proposed First Amendment to Access Rights Agreement

Dear Members:

Enclosed for consideration by your Boards is a proposed First Amendment to the 1970 Access Rights Agreement. This document would amend the Agreement to eliminate all of the "buy-in" requirements contained in the original document. The actual mechanism is to delete the current paragraph 2 in its entirety, and replace it with a new provision that repeats the initial language in that paragraph, but excludes all of the language addressing "buy-in".

You will recall that the 1970 Agreement called for essentially three "buy-in" components, described in Subparagraphs (i), (ii) and (iii) within Paragraph 2. In recent years, by general agreement and practice (as opposed to a formal amendment), the (iii) component has not been applied as part of the "buy-in" calculations.

Please also note that, the separate but related "buy-in" components in the 1989 Capacity Allocation Contract will be unaffected by this first amendment. Any changes to the "buy-in" requirements under the Capacity Allocation Contract must be addressed by amending that contract. Please also recall that legal amendment of any contract requires the written agreement of all parties to the subject contract.

Please let me know if you or your board members have any questions regarding this proposed first amendment, or if you would like me to attend a board meeting to answer questions and offer additional information.

Sincerely,

LEWIS REED & ALLEN P.C.

Michael B. Ortega

Michael B. Ortega

RECEIVED

JAN 28 2005

MUSKEGON
CITY MANAGER'S OFFICE

MBO:kjn

Enclosure

cc: Dave Kendrick w/enclosure
Thoa Du w/enclosure

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: Bill Larson

Its: Bill Larson
Vice Mayor

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF MONTAGUE

By: _____

Its: _____

Dated: _____

G:\MBO\M W M C\First Amendment to Access Rights Agreement.wpd

FIRST AMENDMENT TO ACCESS RIGHTS AGREEMENT

The December 4, 1970 Access Rights Agreement by and between the COUNTY OF MUSKEGON and the following municipalities: Cities of Montague, Muskegon, Muskegon Heights, North Muskegon, Norton Shores, Roosevelt Park, Whitehall and the Townships of Dalton, Egelston, Fruitport, Laketon, Muskegon, Whitehall and Montague is amended as follows:

Paragraph 2 of the Access Rights Agreement is deleted in its entirety, and replaced with the following:

"2. Said System may hereafter be expanded, with the approval of the Board and the County Board of Commissioners, to serve areas outside of the Service Area. Any area so added shall bear the cost of connecting to the System."

All remaining terms and provisions of the December 4, 1970 Access Rights Agreement shall remain unchanged by this First Amendment.

COUNTY OF Muskegon County
By its Board of Public Works

By: _____

Its: _____

Dated: _____

CITY OF MONTAGUE

By: _____

Its: _____

Dated: _____

TOWNSHIP OF LAKETON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF EGELSTON

By: _____

Its: _____

Dated: _____

FIRST ADDENDUM TO AMENDED SERVICE AGREEMENT

This Addendum, is entered into by and between the County of Muskegon, Michigan, by and through its Department of Public Works [hereinafter referred to as the "County"], and Laketon Township, City of Montague, Dalton Township, City of Norton Shores, Whitehall Township, City of Whitehall, Muskegon Charter Township, City of North Muskegon, Egelston Township, Fruitport Charter Township, City of Muskegon, City of Roosevelt Park, City of Muskegon Heights, and Montague Township, [hereinafter referred to as the "Local Units"].

WITNESSETH:

WHEREAS, on July 7, 1998, a Consent Judgment was entered in the case of United States of America, et al v County of Muskegon, et al, Civil Action Number 1:97 CV 486 (WD Michigan), which Consent Judgment incorporated by reference an "Amended Service Agreement" between County and Local Units; and

WHEREAS, the purpose of both the Consent Judgment, and incorporated Amended Service Agreement, was to clarify rights and responsibilities of both the County and Local Units with respect to the management and operation of the Muskegon County Wastewater Management System Number 1 [hereinafter sometimes referred to as the "System"]; and,

WHEREAS, the parties are desirous of executing a "First Addendum" to said Amended Service Agreement in order to provide financial relief to the County's major customer, Sappi Fine Paper, and,

WHEREAS, both the County and Local Units deem it to be in the public interest, and in the interest of the customers of the Muskegon County Wastewater System Number, that financial relief be afforded to Sappi.

NOW THEREFORE, it is agreed as follows:

I. Effect Upon Existing Amended Service Agreement.

Except as specifically modified or amended below, all terms and conditions as set forth in Amended Service Agreement shall remain unaltered, and in full force and effect.

II. Provision for Financial Relief to Sappi Fine Paper.

By execution of this "First Addendum", the County and Local Units acknowledge that they have individually, and collectively, made a determination that it is in the best interest of the System that the System's primary customer, Sappi Fine Paper, which historically has accounted for approximately fifty percent (50%) of all flow to System, be afforded financial relief in accordance with the more specific terms and conditions hereinafter set forth in order to assist Sappi in maintaining marketplace competitiveness and financial viability. To such end, the parties more specifically agree as follows:

A. Debt obligation associated with existing \$17 million bond.

Effective October 1, 2003, any industrial User that discharges an annual average flow of 10 million gallons per day shall be accorded a forty percent (40%) "volume discount". This translates into a payment factor of .6 on service/debt charge imposed in connection with the retirement of the \$17 million bond. Any such industry satisfying such requirement shall, as appropriate, be entitled to a rebate consistent therewith within sixty (60) days of execution of this First Addendum by the County and all Local Units. This is in reference to the existing \$17 million bond issue.

B. Debt Obligation Associated with Existing \$23 and \$2.3 million Bond Issues

Effective October 1, 2003, any industrial User that discharges an annual average flow of 10 million gallons per day shall be entitled to a forty percent (40%)

“volume discount” on payments which otherwise would be required to be made pursuant to the Muskegon County Wastewater Management System-No. 1 Capacity Allocation Contract, July 27, 1989 version. This translates into a factor payment of .6 of service/debt imposed in connection with the retirement of such debt, which would otherwise be payable by any customer. Rebate, as appropriate, shall be provided within sixty (60) days of execution of this First Addendum by the County and all Local Units. This is in reference to the \$23 million and \$2.3 million bond issues referenced in Capacity Allocation Contract.

C. Debt Obligation on Future Bond Payments

Effective upon execution of this First Addendum by the County and all Local Units, industrial Users discharging an annual average flow of 10 million gallons per day shall be entitled to a forty percent (40%) “volume discount” in connection with the service/debt charge associated with any future bond payment. This translates into a factor payment of .6 of service/debt charge customarily charged.

D. Calculation and Financing of Rebate

The parties stipulate that Sappi Fine Paper has satisfied the minimum threshold flow requirements for being afforded relief under Sections II A and B of this Agreement for the period of October 1, 2003 through September 30, 2004 and that the rebate for such period is \$549,000. The parties agree that the financing of such rebate payment shall be as follows:

The rebate amount of \$549,000 shall be paid by the County to Sappi from System reserves presently existing in the “Equipment Replacement” Fund. County and Local Units agree that the Equipment Replacement Fund shall be repaid such

amount, together with interest calculated at the rate of 4% per annum prior to the expiration of this Agreement.

III. Effectiveness and Duration of Agreement

A. Effectiveness

This Agreement shall be deemed to be in full force and effect following execution of same by the County and all of the aforementioned Local Units.

In the event any provision of this Addendum Agreement shall be determined to be unlawful, or unenforceable by a court of competent jurisdiction, all other provisions shall remain in full force and effect.

B. Duration

This Agreement shall run concurrent with the Amended Service Agreement previously entered into between the County and Local Units. Provided, however, the provisions of Article II of this Agreement, provided for financial relief for Sappi Fine Paper and/or other large users, shall be deemed to continue through September 30, 2008 or, upon such date as Sappi Fine Paper annual average discharge is reduced below the level of 10 million gallons per day, calculated on an average annual basis, whichever occurs first. The net effect, insofar as Sappi is concerned is that Sappi shall be eligible for up to five (5) annual reductions and/or rebates on debt.

IN WITNESS WHEREOF, the parties hereto, by and through their respective boards and commissions, have executed this Agreement, effective as of the _____ day of _____, 2004.

FIRST AMENDMENT TO ACCESS RIGHTS AGREEMENT

The December 4, 1970 Access Rights Agreement by and between the COUNTY OF MUSKEGON and the following municipalities: Cities of Montague, Muskegon, Muskegon Heights, North Muskegon, Norton Shores, Roosevelt Park, Whitehall and the Townships of Dalton, Egelston, Fruitport, Laketon, Muskegon, Whitehall and Montague is amended as follows:

Paragraph 2 of the Access Rights Agreement is deleted in its entirety, and replaced with the following:

"2. Said System may hereafter be expanded, with the approval of the Board and the County Board of Commissioners, to serve areas outside of the Service Area. Any area so added shall bear the cost of connecting to the System."

All remaining terms and provisions of the December 4, 1970 Access Rights Agreement shall remain unchanged by this First Amendment.

COUNTY OF Muskegon County
By its Board of Public WORKS

By: Louis A. McMurray
Louis A. McMurray
Its: Chairman

Dated: MAY 17, 2005

CITY OF MONTAGUE

By: _____

Its: _____

Dated: _____

TOWNSHIP OF LAKETON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF EGELSTON

By: _____

Its: _____

Dated: _____

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COUNTY OF Muskegon County
By its Board of Public WORKS

By: _____

Its: _____

Dated: _____

CITY OF MONTAGUE

By: Henry E. Bielecki

Its: Mayor

Dated: 5-21-05

TOWNSHIP OF LAKETON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF EGELSTON

By: _____

Its: _____

Dated: _____

FIRST AMENDMENT TO ACCESS RIGHTS AGREEMENT

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COUNTY OF Muskegon County
By its Board of Public WORKS

By: _____

Its: _____

Dated: _____

CITY OF MONTAGUE

By: _____

Its: _____

Dated: _____

TOWNSHIP OF LAKETON

By:  _____

Its: SUPERVISOR

Dated: MARCH 17, 2005

TOWNSHIP OF EGELSTON

By: _____

Its: _____

Dated: _____

FIRST AMENDMENT TO ACCESS RIGHTS AGREEMENT

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COUNTY OF Muskegon County
By its Board of Public WORKS

By: _____

Its: _____

Dated: _____

CITY OF MONTAGUE

By: _____

Its: _____

Dated: _____

TOWNSHIP OF LAKETON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF EGELSTON

By: Wickie L. Jensen

Its: Supervisor

Dated: 2-7-05

TOWNSHIP OF DALTON

By: Mary Ellen Sherwood

Its: Township Clerk

Dated: February 14, 2005

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: Nancy Crandall

Its: Mayor

Dated: March 15, 2005

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: Dennis L. Batech

Its: Supervisor

Dated: 3-1-05

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

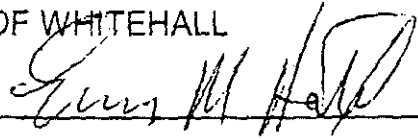
TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By:  _____

Its: Mayor _____

Dated: March 30, 2005 _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: Patrick JordanIts: SupervisorDated: May 2, 2005

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: Township Supervisor

Dated: February 18, 2005

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: Bill Larson

Bill Larson

Its: Vice-Mayor

Dated: 3-10-05

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: *Robert D. Young*

Its: *Mayor*

Dated: *4/4/05*

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: Robert R. Walker

Its: MAYOR

Dated: April 26, 2005

CITY OF NORTH MUSKEGON

By: _____

Its: _____

Dated: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

Dated: _____

CITY OF NORTON SHORES

By: _____

Its: _____

Dated: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

Dated: _____

CITY OF WHITEHALL

By: _____

Its: _____

Dated: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

Dated: _____

TOWNSHIP OF FRUITPORT

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON

By: _____

Its: _____

Dated: _____

CITY OF ROOSEVELT PARK

By: _____

Its: _____

Dated: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

Dated: _____

CITY OF NORTH MUSKEGON

By: Dennis W. Staple

Its: City Manager

Dated: 2/7/05

TOWNSHIP OF MONTAGUE

By: Wesley J. Deesin

Its: Clerk

Dated: April 12- 2005

G:\MBOW M W M C\First Amendment to Access Rights Agreement.wpd

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Winfield J. Hollander
(1906-1996)

May 19, 2005

**TO: MUSKEGON MUNICIPAL WASTEWATER MANAGEMENT COMMITTEE MEMBERS AND
ALTERNATES**

Dear Management Committee Members and Alternates:

I have received a copy of the County's signature on the First Amendment to Access Rights Agreement.

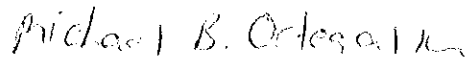
All of the Local Units have already executed this Amendment. With the County's signature, the First Amendment is now complete.

A fully executed copy of the Amendment is enclosed with this letter.

Please call if you have any questions.

Sincerely,

LEWIS REED & ALLEN P.C.



Michael B. Ortega

MBO:kjn

Enclosure

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Walton Ave., Murphy St. to Emerald St.

SUMMARY OF REQUEST:

The paving as well as underground utility upgrade contract (H-1603) on Walton Ave. between Murphy St. & Emerald St. be awarded to Schultz Excavating, Inc. out of Ludington, MI. Schultz Excavating, Inc. was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$141,571.45

FINANCIAL IMPACT:

The construction cost \$141,571.45 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Schultz Excavating, Inc.

COMMITTEE RECOMMENDATION:

**H-1603, S-606, W-653 WALTON AVE. MURPHY TO EMERALD
BID TABULATION 02/22/05**

CONTRACTOR ADDRESS				ENGINEER'S ESTIMATE		DAN HOE EXCAVATING 13664 ROCKY'S RD HOLLAND, MI 49423		BRENNER EXCAVATING 2841 132ND AVE. HOPKINS, MI 49328		MCCORMICK SAND 998 S. 102ND AVE. SHELBY, MI 49455		WEICK BROS., INC 3029 WEICK DR HOPKINS, MI 49328	
CITY/ST/ZIP													
ITEM OF WORK	UNIT	QTY		UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1 ADJUST MANHOLE CASTING	EACH	3		\$225.00	\$ 675.00	\$ 325.00	\$ 975.00	\$ 450.00	\$ 1,350.00	\$ 250.00	\$ 750.00	\$ 250.00	\$ 750.00
2 AGGREGATE BASE COURSE 22A @ 6" C.I.P.	SQ.YD.	2762		\$5.50	\$ 15,191.00	\$ 7.00	\$ 19,334.00	\$ 4.50	\$ 12,429.00	\$ 6.00	\$ 16,572.00	\$ 4.40	\$ 12,152.80
3 BARROW FILL CLASS II SAND	CU.YD.	700		\$8.75	\$ 6,125.00	\$ 7.00	\$ 4,900.00	\$ 6.00	\$ 4,200.00	\$ 4.00	\$ 2,800.00	\$ 7.00	\$ 4,900.00
4 BIT. LEVELING MIX 3C @ 165#/S.Y.	TON	228		\$50.00	\$ 11,400.00	\$ 42.00	\$ 9,576.00	\$ 42.00	\$ 9,576.00	\$ 42.00	\$ 9,576.00	\$ 50.00	\$ 11,400.00
5 BIT. TOP MIX 4C @ 165#/S.Y.	TON	228		\$55.00	\$ 12,540.00	\$ 45.00	\$ 10,260.00	\$ 45.00	\$ 10,260.00	\$ 45.00	\$ 10,260.00	\$ 50.00	\$ 11,400.00
6 CAP 8" D.C.I. MJ.	EACH	1		\$175.00	\$ 175.00	\$ 150.00	\$ 150.00	\$ 125.00	\$ 125.00	\$ 120.00	\$ 120.00	\$ 200.00	\$ 200.00
7 CATCHBASIN CASTING E.J.I.W. #7045 OR EQUAL	EACH	2		\$550.00	\$ 1,100.00	\$ 600.00	\$ 1,200.00	\$ 600.00	\$ 1,200.00	\$ 700.00	\$ 1,400.00	\$ 540.00	\$ 1,080.00
8 CATCHBASIN FLAT TOP	EACH	1		\$1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 950.00	\$ 950.00	\$ 850.00	\$ 850.00	\$ 200.00	\$ 200.00
9 CATCHBASIN STANDARD	EACH	1		\$1,200.00	\$ 1,200.00	\$ 1,250.00	\$ 1,250.00	\$ 1,000.00	\$ 1,000.00	\$ 1,150.00	\$ 1,150.00	\$ 1,500.00	\$ 1,500.00
10 CONCRETE CURB & GUTTER STD. DETAIL I	LIN. FT.	1903		\$12.50	\$ 23,787.50	\$ 12.00	\$ 22,836.00	\$ 10.00	\$ 19,030.00	\$ 8.60	\$ 16,365.80	\$ 9.00	\$ 17,127.00
11 CONCRETE DRIVE APPROACH 6" STD.	SQ.YD.	125		\$26.00	\$ 3,250.00	\$ 30.00	\$ 3,750.00	\$ 18.00	\$ 2,250.00	\$ 30.00	\$ 3,750.00	\$ 16.00	\$ 2,000.00
12 CONCRETE SIDEWALK 6"	SQ.FT.	300		\$4.00	\$ 1,200.00	\$ 5.00	\$ 1,500.00	\$ 3.50	\$ 1,050.00	\$ 3.50	\$ 1,050.00	\$ 4.00	\$ 1,200.00
13 CORP STOP MUELLER #15000 OR EQUAL	EACH	6		\$225.00	\$ 1,350.00	\$ 150.00	\$ 900.00	\$ 185.00	\$ 1,110.00	\$ 225.00	\$ 1,350.00	\$ 160.00	\$ 960.00
14 CURB STOP MUELLER #15150 W/BOX	EACH	6		\$250.00	\$ 1,500.00	\$ 200.00	\$ 1,200.00	\$ 154.00	\$ 924.00	\$ 225.00	\$ 1,350.00	\$ 160.00	\$ 960.00
15 EROSION CONTROL BLANKET	SQ.YD.	1800		\$1.50	\$ 2,400.00	\$ 1.75	\$ 2,800.00	\$ 1.00	\$ 1,800.00	\$ 3.00	\$ 4,800.00	\$ 4.00	\$ 6,400.00
16 MACHINE GRADING MODIFIED	STA.	9.7		\$1,000.00	\$ 9,700.00	\$ 2,500.00	\$ 24,250.00	\$ 1,900.00	\$ 18,430.00	\$ 2,863.92	\$ 27,780.02	\$ 4,125.00	\$ 40,012.50
17 MANHOLE CASTING E.J.I.W. #1000 OR EQUAL	EACH	7		\$475.00	\$ 3,325.00	\$ 500.00	\$ 3,500.00	\$ 550.00	\$ 3,850.00	\$ 600.00	\$ 4,200.00	\$ 500.00	\$ 3,500.00
18 MANHOLE STANDARD 0'-10' DEEP	EACH	4		\$1,500.00	\$ 6,000.00	\$ 1,500.00	\$ 6,000.00	\$ 1,500.00	\$ 6,000.00	\$ 1,440.00	\$ 5,760.00	\$ 1,600.00	\$ 6,400.00
19 MANHOLE STANDARD 10'-15' DEEP	EACH	1		\$1,900.00	\$ 1,900.00	\$ 1,750.00	\$ 1,750.00	\$ 1,800.00	\$ 1,800.00	\$ 1,600.00	\$ 1,600.00	\$ 2,400.00	\$ 2,400.00
20 PREPARED TOP SOIL & CLASS A SEED	SQ.YD.	2000		\$10.00	\$ 20,000.00	\$ 3.50	\$ 7,000.00	\$ 2.50	\$ 5,000.00	\$ 4.00	\$ 8,000.00	\$ 4.00	\$ 8,000.00
21 REMOVING CONC. CURB & GUTTER	LIN. FT.	4		\$10.00	\$ 40.00	\$ 45.00	\$ 180.00	\$ 15.00	\$ 60.00	\$ 15.00	\$ 60.00	\$ 10.00	\$ 40.00
22 REMOVING MANHOLES	EACH	2		\$310.00	\$ 620.00	\$ 200.00	\$ 400.00	\$ 300.00	\$ 600.00	\$ 350.00	\$ 700.00	\$ 200.00	\$ 400.00
23 REMOVING PAVEMENT	SQ.YD.	125		\$5.00	\$ 625.00	\$ 5.00	\$ 625.00	\$ 8.00	\$ 1,000.00	\$ 12.00	\$ 1,500.00	\$ 6.00	\$ 750.00
24 SANITARY SEWER 8" SDR 35	LIN. FT.	281		\$38.00	\$ 10,678.00	\$ 40.00	\$ 11,240.00	\$ 30.00	\$ 8,430.00	\$ 38.00	\$ 10,678.00	\$ 75.00	\$ 21,075.00
25 SANITARY SEWER SERVICE 6" SDR 35	LIN. FT.	188		\$24.00	\$ 4,512.00	\$ 25.00	\$ 4,700.00	\$ 28.00	\$ 5,264.00	\$ 20.00	\$ 3,760.00	\$ 26.00	\$ 4,888.00
26 SANTARY WYE 8"x6" SDR 35	EACH	5		\$225.00	\$ 1,125.00	\$ 125.00	\$ 625.00	\$ 200.00	\$ 1,000.00	\$ 150.00	\$ 750.00	\$ 120.00	\$ 600.00
27 SILT FENCE	LIN. FT.	950		\$1.50	\$ 1,425.00	\$ 1.50	\$ 1,425.00	\$ 2.00	\$ 1,900.00	\$ 1.36	\$ 1,292.00	\$ 4.00	\$ 3,800.00
28 STORM SEWER 10" C-76 CLASS V	LIN. FT.	0		\$30.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29 STORM SEWER 12" C-76 CLASS V	LIN. FT.	647		\$35.00	\$ 22,645.00	\$ 30.00	\$ 19,410.00	\$ 28.00	\$ 18,116.00	\$ 26.00	\$ 16,822.00	\$ 38.00	\$ 24,586.00
30 TAPPING SLEEVE & VALVE W/BOX 16"x8"	EACH	1		\$2,500.00	\$ 2,500.00	\$ 2,250.00	\$ 2,250.00	\$ 2,200.00	\$ 2,200.00	\$ 3,200.00	\$ 3,200.00	\$ 3,600.00	\$ 3,600.00
31 TRAFFIC CONTROL	LUMP	1		\$2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,200.00	\$ 3,200.00	\$ 2,400.00	\$ 2,400.00
32 WATER SERVICE 1" TYPE K COPPER	LIN. FT.	200		\$15.00	\$ 3,000.00	\$ 12.00	\$ 2,400.00	\$ 15.00	\$ 3,000.00	\$ 15.00	\$ 3,000.00	\$ 18.00	\$ 3,600.00
33 WATER VALVE BOX/COMPLETE	EACH	2		\$225.00	\$ 450.00	\$ 125.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 300.00	\$ 600.00
34 WATERMAIN 8" D.C.I. CL 52	LIN. FT.	30		\$40.00	\$ 1,200.00		\$ -	\$ 32.00	\$ 960.00	\$ 30.00	\$ 900.00	\$ 28.00	\$ 840.00
TOTAL					\$ 174,638.50		\$ 169,836.00		\$ 148,164.00		\$ 165,845.82		\$ 199,721.30

**H-1603, S-606, W-653 WALTON AVE. MURPHY TO EMERALD
BID TABULATION 02/22/05**

CONTRACTOR				JACKSON-MERKEY		WADEL STABILIZATION		GRANT TOWER EXCAVATING		SCHULTZ EXCAVATING	
ADDRESS				555 E. WESTERN AVE.		2500 N. OCEANA DR.		13064 WISNER		5565 6TH ST	
CITY/ST/ZIP				MUSKEGON, MI 49441		HART, MI 49420		GRANT, MI 49327		LUDINGTON, MI 49431-0683	
	ITEM OF WORK	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	ADJUST MANHOLE CASTING	EACH	3	\$ 375.00	\$ 1,125.00	\$ 375.00	\$ 1,125.00	\$ 430.00	\$ 1,290.00	\$ 500.00	\$ 1,500.00
2	AGGREGATE BASE COURSE 22A @ 6" C.I.P.	SQ.YD.	2762	\$ 6.25	\$ 17,262.50	\$ 4.80	\$ 13,257.60	\$ 5.75	\$ 15,881.50	\$ 4.50	\$ 12,429.00
3	BARROW FILL CLASS II SAND	CU.YD.	700	\$ 5.35	\$ 3,745.00	\$ 7.50	\$ 5,250.00	\$ 7.57	\$ 5,299.00	\$ 7.50	\$ 5,250.00
4	BIT. LEVELING MIX 3C @ 165#/S.Y.	TON	228	\$ 41.50	\$ 9,462.00	\$ 41.50	\$ 9,462.00	\$ 47.00	\$ 10,716.00	\$ 43.65	\$ 9,952.20
5	BIT. TOP MIX 4C @ 165#/S.Y.	TON	228	\$ 44.50	\$ 10,146.00	\$ 44.50	\$ 10,146.00	\$ 46.75	\$ 10,659.00	\$ 46.75	\$ 10,659.00
6	CAP 8" D.C.I. MJ.	EACH	1	\$ 95.00	\$ 95.00	\$ 140.00	\$ 140.00	\$ 326.00	\$ 326.00	\$ 200.00	\$ 200.00
7	CATCHBASIN CASTING E.J.I.W. #7045 OR EQUAL	EACH	2	\$ 565.00	\$ 1,130.00	\$ 480.00	\$ 960.00	\$ 596.00	\$ 1,192.00	\$ 460.00	\$ 920.00
8	CATCHBASIN FLAT TOP	EACH	1	\$ 1,280.00	\$ 1,280.00	\$ 1,150.00	\$ 1,150.00	\$ 1,316.00	\$ 1,316.00	\$ 1,050.00	\$ 1,050.00
9	CATCHBASIN STANDARD	EACH	1	\$ 1,150.00	\$ 1,150.00	\$ 1,250.00	\$ 1,250.00	\$ 1,724.00	\$ 1,724.00	\$ 1,600.00	\$ 1,600.00
10	CONCRETE CURB & GUTTER STD. DETAIL I	LIN. FT.	1903	\$ 9.00	\$ 17,127.00	\$ 10.00	\$ 19,030.00	\$ 8.40	\$ 15,985.20	\$ 8.00	\$ 15,224.00
11	CONCRETE DRIVE APPROACH 6" STD.	SQ.YD.	125	\$ 16.50	\$ 2,062.50	\$ 19.50	\$ 2,437.50	\$ 15.76	\$ 1,970.00	\$ 28.00	\$ 3,500.00
12	CONCRETE SIDEWALK 6"	SQ.FT.	300	\$ 3.30	\$ 990.00	\$ 3.50	\$ 1,050.00	\$ 3.16	\$ 948.00	\$ 3.00	\$ 900.00
13	CORP STOP MUELLER #15000 OR EQUAL	EACH	6	\$ 200.00	\$ 1,200.00	\$ 250.00	\$ 1,500.00	\$ 156.00	\$ 936.00	\$ 200.00	\$ 1,200.00
14	CURB STOP MUELLER #15150 W/BOX	EACH	6	\$ 220.00	\$ 1,320.00	\$ 250.00	\$ 1,500.00	\$ 223.00	\$ 1,338.00	\$ 275.00	\$ 1,650.00
15	EROSION CONTROL BLANKET	SQ.YD.	1600	\$ 1.30	\$ 2,080.00	\$ 1.15	\$ 1,840.00	\$ 1.45	\$ 2,320.00	\$ 1.15	\$ 1,840.00
16	MACHINE GRADING MODIFIED	STA.	9.7	\$ 1,035.00	\$ 10,039.50	\$ 2,250.00	\$ 21,825.00	\$ 2,413.00	\$ 23,406.10	\$ 1,850.00	\$ 17,945.00
17	MANHOLE CASTING E.J.W #1000 OR EQUAL	EACH	7	\$ 460.00	\$ 3,220.00	\$ 450.00	\$ 3,150.00	\$ 539.00	\$ 3,773.00	\$ 350.00	\$ 2,450.00
18	MANHOLE STANDARD 0'-10' DEEP	EACH	4	\$ 1,650.00	\$ 6,600.00	\$ 1,250.00	\$ 5,000.00	\$ 1,782.00	\$ 7,128.00	\$ 1,600.00	\$ 6,400.00
19	MANHOLE STANDARD 10'-15' DEEP	EACH	1	\$ 1,860.00	\$ 1,860.00	\$ 1,500.00	\$ 1,500.00	\$ 1,962.00	\$ 1,962.00	\$ 1,800.00	\$ 1,800.00
20	PREPARED TOP SOIL & CLASS A SEED	SQ.YD.	2000	\$ 2.60	\$ 5,200.00	\$ 2.80	\$ 5,600.00	\$ 2.19	\$ 4,380.00	\$ 1.50	\$ 3,000.00
21	REMOVING CONC. CURB & GUTTER	LIN. FT.	4	\$ 20.00	\$ 80.00	\$ 100.00	\$ 400.00	\$ 33.00	\$ 132.00	\$ 60.00	\$ 240.00
22	REMOVING MANHOLES	EACH	2	\$ 450.00	\$ 900.00	\$ 400.00	\$ 800.00	\$ 670.00	\$ 1,340.00	\$ 150.00	\$ 300.00
23	REMOVING PAVEMENT	SQ.YD.	125	\$ 6.75	\$ 843.75	\$ 10.00	\$ 1,250.00	\$ 6.00	\$ 750.00	\$ 4.00	\$ 500.00
24	SANITARY SEWER 8" SDR 35	LIN. FT.	281	\$ 40.75	\$ 11,480.75	\$ 18.70	\$ 5,254.70	\$ 38.50	\$ 10,818.50	\$ 22.50	\$ 6,322.50
25	SANITARY SEWER SERVICE 6" SDR 35	LIN. FT.	188	\$ 27.00	\$ 5,076.00	\$ 21.00	\$ 3,948.00	\$ 30.00	\$ 5,640.00	\$ 16.50	\$ 3,102.00
26	SANTARY WYE 8"x6" SDR 35	EACH	5	\$ 65.00	\$ 325.00	\$ 175.00	\$ 875.00	\$ 110.00	\$ 550.00	\$ 200.00	\$ 1,000.00
27	SILT FENCE	LIN. FT.	950	\$ 1.25	\$ 1,187.50	\$ 1.25	\$ 1,187.50	\$ 4.00	\$ 3,800.00	\$ 1.15	\$ 1,092.50
28	STORM SEWER 10" C-76 CLASS V	LIN. FT.	0	\$ 24.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	STORM SEWER 12" C-76 CLASS V	LIN. FT.	647	\$ 26.00	\$ 16,822.00	\$ 23.50	\$ 15,204.50	\$ 22.50	\$ 14,557.50	\$ 30.75	\$ 19,895.25
30	TAPPING SLEEVE & VALVE W/BOX 16"x8"	EACH	1	\$ 2,235.00	\$ 2,235.00	\$ 2,750.00	\$ 2,750.00	\$ 2,714.00	\$ 2,714.00	\$ 2,400.00	\$ 2,400.00
31	TRAFFIC CONTROL	LUMP	1	\$ 3,750.00	\$ 3,750.00	\$ 2,700.00	\$ 2,700.00	\$ 1,865.00	\$ 1,865.00	\$ 2,300.00	\$ 2,300.00
32	WATER SERVICE 1" TYPE K COPPER	LIN. FT.	200	\$ 15.50	\$ 3,100.00	\$ 6.00	\$ 1,200.00	\$ 18.86	\$ 3,772.00	\$ 13.00	\$ 2,600.00
33	WATER VALVE BOX/COMPLETE	EACH	2	\$ 325.00	\$ 650.00	\$ 350.00	\$ 700.00	\$ 268.00	\$ 536.00	\$ 425.00	\$ 850.00
34	WATERMAIN 8" D.C.I. CL 52	LIN. FT.	30	\$ 33.00	\$ 990.00	\$ 80.00	\$ 2,400.00	\$ 25.00	\$ 750.00	\$ 50.00	\$ 1,500.00
TOTAL					\$ 144,504.50		\$ 145,842.80		\$ 159,774.80		\$ 141,571.45

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 8, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

Request to Speak

CITIZEN'S CONCERN FORM

This request must be returned to the City Clerk first before concern(s) can be brought in front of the Commission. Please state name and address at the microphone for the record.

Name: BRIAN SCHULTZ

Phone: 231 - 845 - 7125

Address: 5565 6th St. Liv, MI

Signature: B. Schultz

Description of Concern:

Would like to talk about the award of
Walton Ave.

Staff person who you have already contacted:

Request amount of Time 3 minutes ☒

10 minutes ☐ (for representing a group)

Request for special equipment (specify):

***Please make sure that all cell phones are turned off during meeting.

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
GFB, L. L. C.
1920 Lakeshore

SUMMARY OF REQUEST: The Liquor License transfer request was approved by the City Commission on June 22, 2004, pending final inspection. The Liquor Control Commission is requiring an "unconditional" resolution in order for this to go forward.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
GFB, L. L. C.
1920 Lakeshore

SUMMARY OF REQUEST: The Liquor License transfer request was approved by the City Commission on June 22, 2004, pending final inspection. The Liquor Control Commission is requiring an "unconditional" resolution in order for this to go forward.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval with the exception of the Treasurer because money (\$125.08) is owed to the City.

paid

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

February 10, 2005

Ms. Linda Potter
Muskegon City Hall
933 Terrace Street
Muskegon, MI 49442

Re: GFB, L.L.C.: Liquor License Transfer

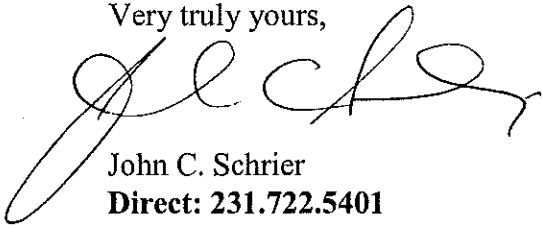
Dear Ms. Potter:

Enclosed please find the following:

- 1) Copy of correspondence from Tom Thornhill, with attachment, dated October 29, 2004;
- 2) Copy of correspondence from Tom Thornhill dated February 2, 2005; and
- 3) Proposed Resolution.

If you would process the request and notify Mr. Thornhill of the intended date the City Commission would review such, I would appreciate it.

Very truly yours,



John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

Enclosure

C: Bryon Mazade

LAGUE, NEWMAN & IRISH

A Professional Corporation

Attorneys at Law

300 Terrace Plaza P.O. Box 389 Muskegon, Michigan 49443
231 • 725 • 8148 Fax 231 • 726 • 3404

David P. Covell
Charyn K. Hain
Todd L. Helle, M.D.
Karen L. Kayes*
Richard C. Lague
Craig L. Monette

William M. Newman
Thomas H. Thornhill

Of Counsel
Alvin D. Treado

Michael W. Irish-1995

*Also Admitted in Florida

October 29, 2004

Mr. John C. Schrier
Muskegon City Attorney
Parmenter, O'Toole
175 W. Apple Avenue
P. O. Box 786
Muskegon, MI 49440

Re: Liquor License Transfer/GFB, L.L.C.
Our File 7597-001

Dear John:

I have a somewhat knotty problem with the Michigan Liquor Control Commission that, hopefully, the City of Muskegon can help us resolve.

I represent George Bailey in a limited liability company we formed on his behalf, GFB, L.L.C. Earlier this year, GFB, L.L.C. entered into a contract to purchase a Class C liquor license from Jimmy R. Benson, who formerly operated a bar on Sixth Street in Muskegon Heights. The license was to be transferred to 1920 Lakeshore Drive (Great Lakes Dock & Marina), where a new facility was to be established.

Transfer of the license was approved on September 21, as noted by a copy of the Commission's Order of that date, which I am enclosing. Normally, under the circumstances, an applicant has a period of one year from the date the Commission approves the transfer to actually have the license issued. In this case, GFB contemplates construction of a bar on the Marina premises and the plans and specifications for the building have not yet been prepared. I am also informed that some DEQ permits will be required, which have not yet been obtained. It was therefore GFB's intention to not actually have the license issued until sometime next year after the new facility was built and ready for final inspection.

Unbeknownst to us, however, the former owner, Mr. Benson, had violations outstanding and the Commission had entered an Order to the effect that the license would be revoked if the

transfer had not been completed by November 1 of this year. This was supposed to have been noted on the September 21 approval but, because of a Commission error, the notation was omitted. GFB therefore went ahead and closed with Mr. Benson and paid him for the license under the belief that it had until September 21, 2005 to actually have the license issued.

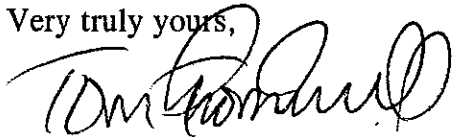
I have worked out interim measures with the Commission to prevent the license from being terminated on November 1. However, on a longer term basis, I have been told by the Commission that the solution to the situation is for us to apply to actually have the license issued but placed into escrow until GFB's facility is completed.

For this to happen, the Commission requires a resolution from the City of Muskegon requesting issuance of the license. I am told by the supervisor of the Liquor Control Commission Department I have been dealing with that this resolution needs to be unconditional, but the City can include a cover letter to the Commission making it clear that the approval is still subject to final inspection when the facility is completed.

I am hoping that the City will assist us with having the license transferred. I am going to be on vacation next week, but will be back in the office on November 8. In the meantime, however, I wanted to alert you to the nature of the problem so you would be familiar with it when I contacted you. I will plan on getting in touch with you shortly after my return.

Thank you for your assistance with this matter.

Very truly yours,



Thomas H. Thornhill

Enclosure

T:\7597_1\Letters\Schrier-102904sg

Michigan Department of Labor & Economic Growth
Liquor Control Commission

I-4

ORDER
Page 1

INTER-OFFICE CORRESPONDENCE
Licensing & Enforcement Division

September 21, 2004

Administrative Commissioners

DATE

TO

Authorization of Alcoholic Beverages

FROM

SUBJECT: IT IS THE ORDER OF THE COMMISSION THAT THE FOLLOWING
APPLICATION BE APPROVED AS INDICATED:

GFB, LLC., 1920 Lakeshore, Muskegon, Muskegon County. Request transfer ownership of escrowed 2004 Class C and Specially Designated Merchant licenses with Dance Permit and Sunday Sales Permit from Jimmy R. Benson; transfer location (governmental unit)(MCL 436.1531(1) from 2805 Sixth, Muskegon Heights, Muskegon County and request authorization for the outdoor sale, service and consumption of alcoholic beverages in a 25' x 35' area, enclosed by wooden rail, immediately adjacent to licensed premises. APPROVED SUBJECT TO FINAL INSPECTION BY THE MUSKEGON CITY COUNCIL; **SUBJECT TO FINAL INSPECTION BY ENFORCEMENT TO DETERMINE THE TOTAL COST AND METHOD OF FINANCING; TO DETERMINE THAT DANCE FLOOR MEASURES A MINIMUM OF 100 SQUARE FEET, IS WELL MARKED AND CLEARLY DEFINED; TO DETERMINE ACTUAL SEATING CAPACITY; TO DETERMINE THE CORRECT STREET ADDRESS; TO DETERMINE THAT A SIGN HAS BEEN POSTED INFORMING OF CAPACITY LIMIT; TO DETERMINE THAT OUTDOOR SERVICE AREA HAS BEEN CONSTRUCTED AS PROPOSED AND THAT THE ESTABLISHMENT MEETS ALL THE REQUIREMENTS OF THE MICHIGAN LIQUOR CONTROL CODE AND ADMINISTRATIVE RULES; SUBJECT TO RECEIPT OF EXHIBIT TO OPERATING AGREEMENT FOR LANDLORD TO REFLECT MEMBERSHIP INTEREST OF ITS MEMBERS; SUBJECT TO RECEIPT OF ACCEPTABLE, ASSIGNMENT OF PURCHASE AGREEMENT FROM APPLICANT MEMBER TO APPLICANT LLC, EXECUTED BY BOTH PARTIES; SUBJECT TO VERIFICATION THAT APPLICANT HAS RECEIVED A \$65,000.00 LOAN FROM LANDLORD; SUBJECT TO RECEIPT OF LETTER OF EXTENSION FROM FIFTH THIRD BANK TO GREAT LAKES MARINA & STORAGE, L.L.C. RENEWING OR EXTENDING THE "MATURITY DATE" OF THE NOTE; SUBJECT TO RECEIPT OF ACCEPTABLE, EXECUTED LEASE AGREEMENT BETWEEN GREAT LAKES MARINA & STORAGE, L.L.C. AND GFB, LLC; SUBJECT TO RECEIPT OF ACCEPTABLE, EXECUTED LC-52A; APPROVED WITH THE PROVISIO THAT THE LICENSEE WILL NOT PERMIT THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC LIQUOR OUTDOORS, EXCEPT IN THE DEFINED AREAS; AND APPROVED WITH THE PROVISIO THAT WITHIN 180 DAYS FROM THE ISSUANCE OF THE LICENSE TO GFB, LLC DOCUMENTARY PROOF IS PROVIDED TO THE COMMISSION TO DEMONSTRATE THAT, AT A MINIMUM, SUPERVISORY PERSONNEL ON EACH SHIFT AND DURING ALL HOURS IN WHICH ALCOHOLIC LIQUOR IS**

LAGUE, NEWMAN & IRISH

A Professional Corporation

Attorneys at Law

300 Terrace Plaza P.O. Box 389 Muskegon, Michigan 49443
231 • 725 • 8148 Fax 231 • 726 • 3404

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Alvin D. Treado

February 2, 2005

Michael W. Irish-1995

*Also Admitted in Florida

Mr. John C. Schrier
Muskegon City Attorney
Parmenter, O'Toole
P. O. Box 786
Muskegon, MI 49443-0786

RE: Liquor License Transfer/GFB, LLC

Dear John:

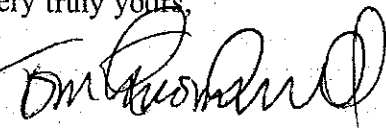
This letter is a follow-up to my earlier correspondence to you regarding this matter of October 29, 2004.

I am enclosing a proposed Certificate of Resolution to be signed by the City Clerk evidencing the City of Muskegon's consent and approval to the transfer of a Class C and specially designated merchant license from Jimmy R. Benson of 2805 Sixth Street, Muskegon Heights, Michigan to GFB, LLC (George Bailey) of 1920 Lakeshore Drive, Muskegon, Michigan. As I indicated in my earlier letter, we are requesting this action because the premises in which the licensed business will operate are not yet complete and Mr. Benson has outstanding violations on the license with the license being subject to revocation if a transfer is not promptly completed. As a result of all of this, the Liquor Control Commission has suggested that we request issuance of the license but that the license be held in escrow until the licensed premises are completed.

I am told that while the resolution needs to be unconditional (as I have made it), the Liquor Control Commission has no objection if a cover letter be included by the City indicating that the transfer is still subject to final approval by the City upon final inspection when the facility has been completed.

Thank you for your assistance with this matter and please let me know when it will be brought to the attention of the Commission so someone can plan on being in attendance.

Very truly yours,



Thomas H. Thornhill

Enclosure

CERTIFICATE OF RESOLUTION
2005-26(d)

The undersigned hereby certifies that the following resolution was duly adopted by the Muskegon City Commission at a Regular Meeting held on the 8th day of March, 2005 at which time a quorum was present.

RESOLVED, that the City of Muskegon hereby approves transfer of ownership of 2004 Class C and specially designated merchant license with dance permit and Sunday sales permit from Jimmy R. Benson of 2805 Sixth Street, Muskegon Heights, Michigan to GFB, LLC of 1920 Lakeshore Drive, Muskegon, Michigan.

RESOLVED FURTHER, that the City of Muskegon hereby requests that the Michigan Liquor Control Commission issue the aforesaid license to GFB, LLC.

RESOLVED FURTHER, that this resolution may be specifically relied upon by the Michigan Liquor Control Commission.

Dated: March 8, 2005

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

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 8, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

Mail, per M.L.



JENNIFER M. GRANHOLM
GOVERNOR

NIDA R. SAMONA
CHAIRPERSON

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

RECEIVED

DATE: March 14, 2005
REQ # 238248

MAR 16 2005

MUSKEGON
CITY MANAGER'S OFFICE

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

Local Governing Body:

This is with reference to GFB, LLC's request to transfer ownership of 2004 Class C licensed business with Dance Permit, located in escrow at 2805 Sixth, Muskegon Heights MI 49444, Muskegon County, from Jimmy R. Benson; transfer location (governmental unit) (MCL 436.1531(1) to 1920 Lakeshore, Muskegon MI 49441, Muskegon County.

Please be advised that we have received Certificate of Resolution dated March 8, 2005.

However, the Certificate of Resolution is not acceptable as it does not contain the Yeas and Nays.

We request that you complete and sign the enclosed resolution and return them to this office as soon as possible.

Mail your response to:

**MICHIGAN LIQUOR CONTROL COMMISSION
LICENSING DIVISION
P.O. BOX 30005
LANSING, MICHIGAN 48909-7505**

If you have any questions, please call the Licensing Division, ON-Premise Section at, (517) 322-1400.

ljt
Enclosure

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

LOCAL APPROVAL NOTICE

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

REQ ID#: 238248

March 14, 2005

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

Applicant: GFB, LLC

HOME ADDRESS AND PHONE NO:

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436.1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

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

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

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

ljt

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

REQ ID# 238248

RESOLUTION

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

called to order by Mayor Warmington on March 8, 2005 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Gawron

That the request from GFB, LLC to transfer ownership of 2004 Class C licensed business with Dance Permit, located in escrow at 2805 Sixth, Muskegon Heights MI 49444, Muskegon County, from Jimmy R. Benson; transfer location (governmental unit) (MCL 436.1531(1) to 1920 Lakeshore, Muskegon MI 49441, Muskegon County.

considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

County of Muskegon _____)

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

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

meeting held on March 8, 2005.
(Date)

SEAL

(Signed) Linda S. Potter
(Township, City or Village Clerk)

Linda S. Potter
Deputy Clerk

(Mailing address of Township, City or Village)

933 Terrace, Muskegon, MI 49440

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

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

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

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

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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

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

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

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

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

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

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

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

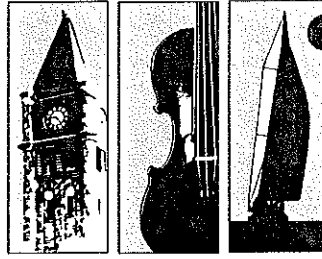
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

March 10, 2005

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

Re: Req ID #238248
GFB, L.L.C.
1920 Lakeshore
Muskegon, MI 49441

Enclosed is a resolution adopted by the City of Muskegon Commission at their March 8th Regular Meeting. The City would still like to reserve the right for final inspection on the building and to insure that compliance with all local codes is met.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

Enc.

Commission Meeting Date: March 8, 2005

Date: March 2, 2005

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Approval of Sale of Property: City of Muskegon
Assessors Plat of Stevens Sub Division Lot 7 &
East 10 Feet Lot 6**

SUMMARY OF REQUEST: To approve the sale of the parcel described as **City of Muskegon Assessors Plat of Stevens Sub Division Lot 7 & East 10 Feet Lot 6** to Trinity Nonprofit Housing Development for one dollar (\$1.00). Two years ago CNS office obtained the tax reverted home from the State of Michigan. CNS demolished the blighted structure that was on the site. The City intends to quit claim the parcel to Trinity in order to assist the nonprofit in building a single family home on the site that will eliminate a financial liability of Trinity's to the City of Muskegon. (see attached plan)

FINANCIAL IMPACT: None

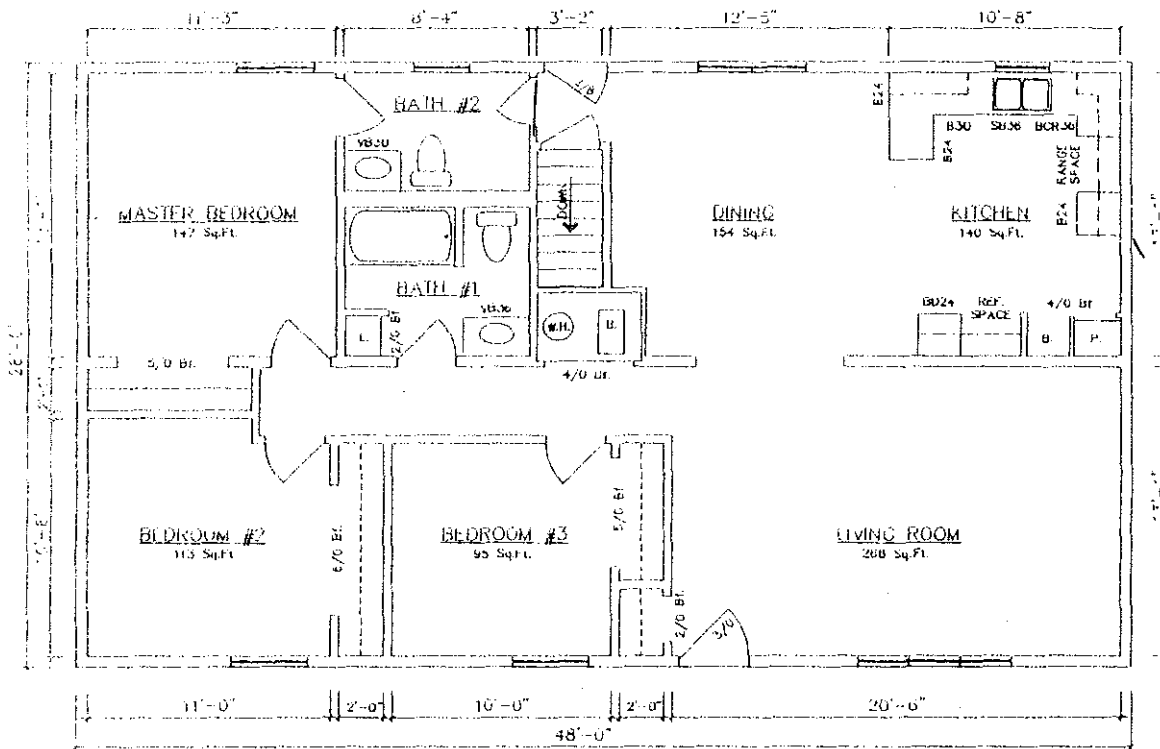
BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the quit claim of the property Trinity Housing.

COMMITTEE RECOMMENDATION: None



BRISTOL 48' MODELS



Bristol 10304 (End Kitchen - Basement) 1,344 sq. ft.

Commission Meeting Date: March 8, 2005

Date: March 2, 2005

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: 2005-2006 CDBG/HOME Preliminary Funding
Allocations**

SUMMARY OF REQUEST: To accept the allocation recommendation of the City's administration and the Citizen's District Council for the 2005 – 2006 fiscal year.

After accepting the recommended allocations the Commission is requested to make its preliminary allocation recommendation in order so the CNS office can continue the Consolidated Plan process.

The CNS office will conduct a public hearing on April 12, 2005. At the time the Commission will be asked to make their final allocations decision and to direct staff to submit the required information to the U. S. Department of Housing and Urban Development

FINANCIAL IMPACT: Will determine the CDBG/HOME allocation for the 2005-2006 fiscal year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To accept the recommendation of the City of Muskegon Administration and the Citizen's District Council and then make the Commissions preliminary allocation decision.

COMMITTEE RECOMMENDATION: None

2005 - 2006 CDBG / HOME ACTIVITY

Community Development Block Grant

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Muskegon Community Health Project <i>"Miles for Smile Dental Services"</i>	5,000	0	0		
2 West Michigan Veterans <i>Veterans Assistance*</i>	5,000	0	5,000		
3 Pioneer Resources <i>Rec for People w/disabilities*</i>	2,500	0	0		
4 HealthCare <i>Health screening to low-income*</i>	6,418	0	5,000		
5 American Red Cross <i>Senior Transportation*</i>	5,000	0	5,000		
6 Legal Aid of Western Michigan <i>Counseling/Legal Education*</i>	15,000	0	0		
7 Neighborhood Invest Corp <i>5th Street Landscape*</i>	9,000	0	0		
8 Child Abuse Council <i>Renovation*</i>	6,000	0	0		
9 Sacred Suds <i>Laundry&Shower Service*</i>	10,000	0	0		

Community Development Block Grant

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
10 Community and Neighborhood Services <i>Siding Program</i>	225,000	171,000	171,000		
11 Fire/Inspection <i>Dangerous Building/Demolition</i>	100,000	50,000	50,000		
12 Community and Neighborhood Services <i>Emergency Rehabilitation</i>	230,000	171,000	171,000		
13 Community and Economic Development <i>Façade Improvement</i>	20,000	10,000	0		
14 Community and Neighborhood Services <i>CDBG Administration</i>	197,500	180,000	180,000		
15 Community and Neighborhood Services <i>Rehab Service Delivery</i>	100,000	69,500	69,500		
16 Engineering / CNS <i>Street Assessment Relief</i>	80,000	55,000	55,000		
17 Leisure Services <i>Youth recreation*</i>	92,243	75,000	75,000		

18 Finance Dept <i>Repayment of Shoreline Dr. Bond</i>	245,000	245,000	245,000	245,000	245,000
19 City Planning <i>Lot Clean-up</i>	50,000	30,000	25,000		
20 City Planning <i>Code Enforcement</i>	45,000	40,000	40,000		
21 DPW <i>Senior Transit*</i>	56,901	40,000	40,000		
Total CDBG Request	1,505,562	1,136,500	1,136,500		
Total CDBG Allocated + PI (0)	1,137,000	1,137,000	1,137,000		
Allocated/Request Difference	\$ (368,562)	\$ 500	\$ 500		
Total Amt of Public Service*	213,062	149,144	149,144		
Public Service mandated Amt < or = to 15%	170,550	170,550	170,550		
Difference	\$ (42,512)	\$ 21,406	\$ 21,406		
Total Amt of City Administration Request**	197,500	180,000	180,000		
Administrative mandated Amt < 20%	227,400	227,400	227,400		
Difference	\$ 29,900	\$ 47,400	\$ 47,400		

HOME

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Community and Neighborhood Services <i>Tax-Reverted Rehabilitation</i>	125,000	100,000	100,000		
2 Community and Neighborhood Services <i>HOME Infill Program</i>	75,000	65,000	65,000		
3 Community and Neighborhood Services <i>HOME Administration</i>	33,700	33,700	33,700		
4 Community and Neighborhood Services <i>Rental Rehabilitation</i>	50,000	20,000	20,000		
5 Neighborhood Investment Corp <i>Housing Rehab, Neighborhood Imp.</i>	95,000	70,000	70,000		
6 Habitat For Humanity <i>Acquisition/Rehab</i>	50,000	35,000	35,000		
Total Amt of HOME Request	428,700	323,700	323,700		
HOME Allocation	337,000	337,000	337,000		
Reprogram Funds	-	-	-		
Total Amt Home Available	337,000	337,000	337,000		
Total Amt Difference	\$ (91,700)	\$ 13,300	\$ 13,300		

Total Amt of HOME Administration ***	33,700	33,700	33,700
<i>Total Amt mandated = 10%</i>	<u>33,700</u>	<u>33,700</u>	<u>33,700</u>
Difference	\$ -	\$ -	\$ -
 Total amt of HOME CHDO request ****	 145,000	 105,000	 105,000
<i>Total Amt mandated 15%</i>	<u>50,550</u>	<u>50,550</u>	<u>50,550</u>
Difference	\$ (94,450)	(54,450)	(54,450)

NOTE

*Public Service, **City CDBG Administration, ***HOME Administration, ****CHDO Request

Q:\CNS\Common\Excel\05.06_Act

Date: March 8, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Proposals for
Construction Engineering Services on:
Shoreline Dr. Phase II (First to Webster)

SUMMARY OF REQUEST:

Authorize staff to enter into an engineering services agreement with a consulting firm to provide complete construction engineering services on the second phase of Shoreline Drive between First & Webster Ave. A recommendation along with backup information will be presented at or before the work session of March 7th, 2005. this request is being presented to you in this fashion due to lack available time since construction is scheduled to begin later this month and approval from MDOT to hire a consulting firm was not granted until February 25th, 2005.

FINANCIAL IMPACT:

The cost for the engineering services would be from the MDOT grant

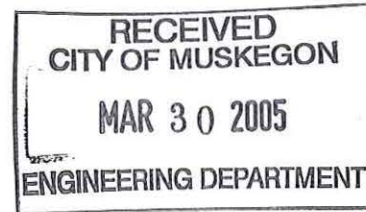
BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommendation will be presented at or before the work session meeting of March 7th.

COMMITTEE RECOMMENDATION:



March 29, 2005

Mohammed S. Al-Shatel, PE
City of Muskegon
Engineering Department
933 Terrace Street
Muskegon, Michigan 49440

**Re: Full Construction Engineering Services
Shoreline Drive from Webster Avenue to First Street**

Dear Mr. Al-Shatel:

Enclosed is your copy of the executed Professional Services Agreement for the above referenced project between the City of Muskegon and URS Corporation Great Lakes.

I can be reached at 616.574.8352 if you need additional information.

Sincerely,

URS Corporation

Diana Coughlin
Administrative Assistant
Surface Transportation

Enclosure

Cc: Mike Guter, URS Corporation



GENERAL CONDITIONS FOR PROFESSIONAL SERVICES ("Agreement")

This Agreement between City of Muskegon, 933 Terrace Street, Muskegon, Michigan 49440, (231) 724-6705, ("Client") and URS Corporation Great Lakes ("URS"), a Michigan corporation; 3950 Sparks Drive SE, Grand Rapids, Michigan 49546 (616) 574-8500 is effective as of March 17, 2005. The parties agree as follows:

ARTICLE I - Services. URS agrees to perform for Client the professional services ("Services") described in URS proposal dated March 3, 2005 ("Proposal"), attached and incorporated herein. Because of the uncertainties inherent in the Services contemplated, time schedules are only estimated schedules and are subject to revision unless otherwise specifically described in the Proposal. As full consideration for the performance of Services, Client shall pay to URS the compensation provided for in the Proposal.

ARTICLE II - Payment. Unless otherwise stated in a Work Order, payment shall be on a time and materials basis under the Schedule of Fees and Charges in effect when the Services are performed. Client shall pay undisputed portions of each progress invoice within thirty (30) days of the date of the invoice. If payment is not maintained on a thirty (30) day current basis, URS may suspend further performance until payments are current. Client shall notify URS of any disputed amount within fifteen (15) days from date of the invoice, give reasons for the objection, and promptly pay the undisputed amount. Client shall pay an additional charge of one and one-half percent (1½%) per month or the maximum percentage allowed by law, whichever is the lesser, for any past due amount. In the event of a legal action for invoice amounts not paid, attorneys' fees, court costs, and other related expenses shall be paid to the prevailing party.

ARTICLE III - Professional Responsibility. URS is obligated to comply with applicable standards of professional care in the performance of the Services. Client recognizes that opinions relating to environmental, geologic, and geotechnical conditions are based on limited data and that actual conditions may vary from those encountered at the times and locations where the data are obtained, despite the use of due professional care. URS is not responsible for designing or advising on or otherwise taking measures to prevent or mitigate the effect of any act of terrorism or any action that may be taken in controlling, preventing, suppressing or in any way relating to an act of terrorism.

ARTICLE IV - Responsibility for Others. URS shall be responsible to Client for URS Services and the services of URS subcontractors. URS shall not be responsible for the acts or omissions of other parties engaged by Client nor for their construction means, methods, techniques, sequences, or procedures, or their health and safety precautions and programs.

ARTICLE V - Risk Allocation. The liability of URS, its employees, agents and subcontractors (referred to collectively in this Article as "URS"), for Client's claims of loss, injury, death, damage, or expense, including, without limitation, Client's claims of contribution and indemnification, express or implied, with respect to third party claims relating to services rendered or obligations imposed under this Agreement, including all Work Orders, shall not exceed in the aggregate:

- (1) The total sum of \$100,000 for claims arising out of professional negligence, including errors, omissions, or other professional acts, and including unintentional breach of contract; or
- (2) The total sum of \$1,000,000 for claims arising out of negligence, breach of contract, or other causes for which URS has any legal liability, other than as limited by (1) above.

ARTICLE VI - Consequential Damages. Neither Party shall be liable to the other for consequential damages, including, without limitation, loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such damages are caused by breach of contract, willful misconduct, negligent act or omission, or other wrongful act of either of them.

ARTICLE VII - Client Responsibility. Client shall: (1) provide URS, in writing, all information relating to Client's requirements for the project; (2) correctly identify to URS, the location of subsurface structures, such as pipes, tanks, cables and utilities; (3) notify URS of any potential hazardous substances or other health and safety hazard or condition known to Client existing on or near the project site; (4) give URS prompt written notice of any suspected deficiency in the Services; and (5) with reasonable promptness, provide required approvals and decisions. In the event that URS is requested by Client or is required by subpoena to produce documents or give testimony in any action or proceeding to which Client is a party and URS is not a party, Client shall pay URS for any time and expenses required in connection therewith, including reasonable attorney's fees.

ARTICLE VIII - Force Majeure. An event of "Force Majeure" occurs when an event beyond the control of the Party claiming Force Majeure prevents such Party from fulfilling its obligations. An event of Force Majeure includes, without limitation, acts of God (including floods, hurricanes and other adverse weather), war, riot, civil disorder, acts of terrorism, disease, epidemic, strikes and labor disputes, actions or inactions of government or other authorities, law enforcement actions, curfews, closure of transportation systems or other unusual travel difficulties, or inability to provide a safe working environment for employees.

In the event of Force Majeure, the obligations of URS to perform the Services shall be suspended for the duration of the event of Force Majeure. In such event, URS shall be equitably compensated for time expended and expenses incurred during the event of Force Majeure and the schedule shall be extended by a like number of days as the event of Force Majeure. If Services are suspended for thirty (30) days or more, URS may, in its sole discretion, upon 5 days prior written notice, terminate this Agreement or the affected Work Order, or both. In the case of such termination, in addition to the compensation and time extension set forth above, URS shall be compensated for all reasonable termination expenses.

ARTICLE IX - No Third Party Rights. This Agreement shall not create any rights or benefits to parties other than Client and URS. No third party shall have the right to rely on URS opinions rendered in connection with the Services without URS written consent and the third party's agreement to be bound to the same conditions and limitations as Client.

THE PARTIES ACKNOWLEDGE that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to be bound accordingly.

City of Muskegon

Signature

Mohammed Al-Shatel, PE

Typed Name/Title

3-22-05

Date of Signature

URS

Signature

Theresa S. Petko, AICP/VP/Surface Transportation Mgr.

Typed Name/Title

03/30/05

Date of Signature

* Commission Action
3-8-05



March 3, 2005

Mohammed S. Al-Shatel, PE
City of Muskegon
Engineering Department
933 Terrace Street
Muskegon, Michigan 49440

RE: **Proposal**
 Full Construction Engineering Services
 Shoreline Drive from Webster Avenue to First Street

Dear Mr. Al-Shatel:

We are pleased to present the enclosed Proposal (three copies) for your consideration and are excited to have this opportunity to help you deliver a quality transportation improvement for the City of Muskegon. Our team will communicate and coordinate all issues of concern directly with you throughout the construction season. Communication is the cornerstone of our services and will be vitally important in making sure you are getting the services that you expect.

We understand the importance of the Shoreline Drive project to the City of Muskegon. The corridor must be complete for the very important Muskegon Summer Celebration beginning on June 30. We will work with the City and Jackson-Merkey Contractors to complete this project prior to the completion date of June 24. Some of the notable qualities of our team include:

- A very experienced senior technician that will be fully dedicated to your project.
- Extensive experience working with road and bridge plans and MDOT specifications.
- Experience working on projects with expedited schedules.
- Efficient teamwork and low overhead rate that provide a great value for construction engineering services.

If you have any questions regarding this submittal, please feel free to contact me at 616-574-8356. We appreciate your time to review our proposal and thank you for considering our team for these services.

Sincerely,

URS Corporation- Great Lakes

A handwritten signature in cursive script that reads "Theresa S. Petko".

Theresa Petko, Vice President
Surface Transportation Division Manager

URS Corporation
3950 Sparks Drive, SE
Grand Rapids, MI 49546
Tel: 616.574.8500
Fax: 616.574.8542

PROPOSAL
for
City of Muskegon

PROJECT LOCATION:

Shoreline Drive
Webster Avenue to First Street

March 3, 2005

URS



March 3, 2005

Mohammed S. Al-Shatel, PE
City of Muskegon
Engineering Department
933 Terrace Street
Muskegon, Michigan 49440

**RE: Proposal
Full Construction Engineering Services
Shoreline Drive from Webster Avenue to First Street**

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Sincerely,

URS Corporation- Great Lakes

A handwritten signature in cursive script that reads "Theresa Petko".

Theresa Petko, Vice President
Surface Transportation Division Manager

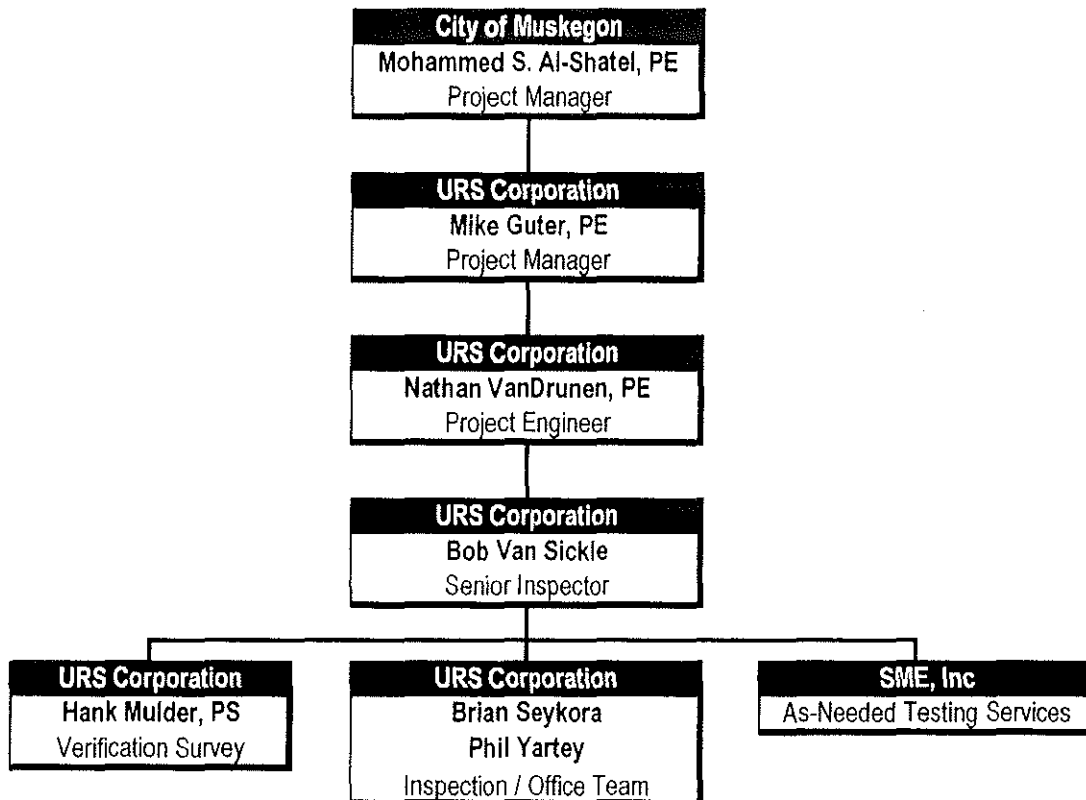
URS Corporation
3950 Sparks Drive, SE
Grand Rapids, MI 49546
Tel: 616.574.8500
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SME Proposal	25-30

ORGANIZATION CHART

City of Muskegon Proposed Shoreline Drive

**Contact Person:****Mike Guter, PE (Project Manager)**

3950 Sparks Dr., S.E.

Grand Rapids, Michigan 49546

616-574-8500

616-574-8542 Fax

Email: mike_guter@urscorp.com

STRUCTURE OF PROJECT TEAM

Our team consists of experienced professionals who are ready to help the City of Muskegon obtain its goals for this project. The role of each key staff member that will be assigned to the project is as follows:

Mike Guter, PE will serve as the project manager. He will insure that the proper resources are dedicated to the project and that communication between the project stakeholders is maintained. Mr. Guter will be responsible for coordinating our service delivery, provide oversight for the project engineering, monitor the overall progress of the project and provide quality assurance. Mr. Guter will pay particular attention to the project progress as it compares to the project schedule and proactively work with Jackson-Merkey Contractors to make sure the completion date is met. Mr. Guter will be the primary contract for Mr. Al-Shatel, will directly communicate with him regards contractual and project issues and will carbon copy all project correspondence to him. Mr. Guter is an experienced negotiator and will lead cost, schedule or other negotiations as they are required with Jackson-Merkey.

Nate VanDrunen, PE will serve as the project engineer. Mr. VanDrunen will proactively work with the City of Muskegon, Jackson-Merkey Contractors and the inspectors to ensure that the Shoreline Drive improvement project minimizes impacts to the motoring public, plans and specifications are followed, and the project stays on schedule and within budget. Mr. VanDrunen will:

- Assist Mike Guter in leading the bi-weekly progress meetings and distributing meeting minutes.
- Be intimately involved with the project at the field level.
- Set up the contract in FieldManager and operate FieldManager.
- Submit pay estimates to the City of Muskegon.
- Process contract changes and prepare contract modifications.
- Monitor material testing and requirements.
- Provide technical support for the inspection staff.
- Coordinate with Bob Van Sickle on addressing and resolving project issues.
- Responsible for keeping an updated set of "as-built" plans.

Mr. Guter and Mr. VanDrunen will review the proposed schedule and discuss with the Contractor. Drainage, aggregate base protection, sand base protection and traffic maintenance issues will be considered, specifically for the period of time between removal of existing pavement and it's replacement. The schedule as it pertains to maintaining traffic on a hard surface along Third and Fourth Streets will also be reviewed. Material removal, specifically excavation, will be closely monitored to insure that proper testing and handling of contaminated material is performed if it is determined to be required. As project issues arise, Mr. Guter and Mr. VanDrunen will investigate and determine the cause of the problem and the impacts to the construction schedule and budget. We will coordinate with Jackson-Merkey to formulate resolutions for each problem. The possible resolutions will be presented to Mr. Al-Shatel with a recommendation prior to taking action. We will understand the project issues, the potential resolutions and schedule and cost ramifications so that well-informed decisions can be made.

Bob Van Sickle will serve as the senior inspector. Mr. Van Sickle has over 38 years of experience on MDOT construction projects. He is an expert in all aspects of road construction and has completed several projects similar to this one. He has the knowledge and experience to handle all of the issues that will come up on this Shoreline Drive project. He will:

- Be on the project full-time from the beginning to the end.
- Be the primary URS contact on-site.

- Document the contractor's daily activities (IDR's).
- Perform inspection and documentation during all phases of the project.
- Perform as the NPDES and stormwater operator inspector.
- Maintain and submit weekly NPDES reports and after significant rainfall events.
- Perform density testing on embankment, existing material and drainage course if he is available.
- Coordinate and schedule the material testing and verification survey.

In addition to the construction activities, Mr. Van Sickle will focus on traffic controls and the detour routes so that motorists will continue to have safe travel around and through the project site throughout the construction period.

This project will be on a fast pace schedule and we expect that Jackson-Merkey will work long days and weeks. **Brian Seykora** will serve as an inspector. He will be available to assist Bob Van Sickle when an additional inspector is required and in the evenings and on weekends when the days and weeks are long. He has over 13 years of experience in construction inspection and material testing. Mr Seykora will perform all necessary inspection, documentation, density testing and concrete testing that is required to fully support Mr. Van Sickle. **Philip Yartey** will serve as a junior engineer. He may assist with inspection, maintaining the project files and performing FieldManager duties as needed throughout the course of this project.

Hank Mulder, PS will serve as our surveyor on this project. He is prepared to provide horizontal and vertical control staking that is necessary to get the contractor staker underway. He will also provide survey verification per the contract specifications and determined by Mr. Van Sickle during the construction process.

Soils & Materials Engineers, Inc. (SME) will serve as a subconsultant and perform all necessary aggregate testing and concrete cylinder breaks. They will assist with concrete and density testing on this project. We anticipate needing help when Bob Van Sickle and/or Brian Seykora cannot perform their inspection responsibilities and the material testing because of multiple construction activities happening at once. SME will have technicians in the Muskegon area on a daily basis while this construction project is ongoing, therefore, their inspection and testing services will be coordinated to maximize the efficiency of our service. **Lou Northouse, PE** will serve as the subconsultant project manager and will provide quality assurance. A copy of the SME Fee Schedule Personnel and Expenses is attached.

URS Corporation

Rate Table for Construction Engineering Services For January 1, 2005 through December 31, 2005

Classification	Hourly Rate
Project Manager	\$ 90.00
Senior Engineer	\$ 90.00
Engineer	\$ 68.00
Junior Engineer	\$ 52.00
Survey Crew	\$ 120.00
Senior Inspector	\$ 65.00
Inspector	\$ 52.00
Inspector OT	\$ 62.00
Administrative / Clerical	\$ 45.00

Direct Expenses	Rate
Transportation Charge ... per mile	\$ 0.405
Nuclear Density Gauge ... per day	\$ 50.00
Express Mailing ... per mailing	\$ 20.00

Estimated Cost Proposal for City of Muskegon

Project Description:

Plan & Profile of Proposed Shoreline Drive, Webster Ave. to First St.

Prime Consultant - URS Corporation Great Lakes

Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Project Manager	80		\$ 90.00	\$	7,200.00
Project Engineer	305		\$ 68.00	\$	20,740.00
Junior Engineer	150		\$ 52.00	\$	7,800.00
Survey Crew	56		\$ 120.00	\$	6,720.00
Senior Inspector	720		\$ 65.00	\$	46,800.00
Inspector	452		\$ 52.00	\$	23,504.00
Total					\$ 112,764.00

Direct Expenses		Rate	=	Costs
Transportation Charge (150 roundtrips from GR to Muskegon + jobsite)	18,000 mi.	\$ 0.405	\$	7,290.00
Nuclear Density Gauge	35 days	\$ 50.00	\$	1,750.00
Express Mailing	6 ea.	\$ 20.00	\$	120.00
Total				\$ 9,160.00

SubConsultant	Rate	=	Costs
Soils & Materials Engineers			\$ 8,000.00

Total Estimate Construction Engineering Cost **\$ 129,924.00 ***

* for estimating purposes only



Michael S. Guter, PE

Project Manager

Overview

Surface transportation engineering including construction engineering and design and plan production for structures and roads.

Project Specific Experience

Surface Transportation

M-6 from I-96 to I-196, Kent County, Michigan

Assistant Project Engineer responsible for assisting the MDOT Grand Rapids TSC Project Engineer and supervising URS inspection staff. The project involves concrete paving and restoration, drainage, guardrail, permanent signs, ITS, and pavement markings along 20 miles of new freeway.

M-6 at US-131 Interchange, Kent County, Michigan

Project Engineer responsible for managing the project and supervising and coordinating client relationship, URS staff and subconsultant staff. URS was selected by MDOT to provide full construction engineering services for this \$140 million, four-year construction project. The project involves building a new M-6 South Beltline freeway cloverleaf interchange with the US-131 freeway, located south of Grand Rapids. The services include road, bridge, electrical and ITS inspection, QA surveying/testing and project documentation for building 2.5 miles of new freeway, reconstructing 4 miles of existing freeway, 28 new bridges, 18 retaining walls, sound walls, and placement and grading of more than 5 million cubic meters of earthwork. This is a high impact project effecting thousands of motorists each day, as well as the many businesses within the construction influence area.

US-131 S-Curve, City of Grand Rapids, Michigan

Staff Coordinator responsible for assigning, managing, and providing direct oversight of construction inspectors and surveyors. The construction inspectors performed inspection for the removal and replacement of 5 bridge structures totaling 850 meters in length and the construction of 790 meters of MSE walls. The surveyors provided quality assurance of the contractor staking. The US-131 S-Curve includes two directions of 4 to 5 lanes and full interior and exterior shoulders. The project construction cost was approximately \$115 million and was open to NB and SB traffic within 10 months of beginning work. Assistance was

Areas of Expertise

Transportation Engineering

Years of Experience

With URS: 6 Years

With Other Firms: 7 Years

Education

BS/1993/Civil Engineering/Calvin
College

Registration/Certification

1997/Professional

Engineer/Michigan No.43131

2000/Professional Engineer/New
Mexico No.14854



also provided throughout the project to the Michigan Department of Transportation in identifying and solving construction issues and problems.

M-3 at Quinn and Masonic, Macomb County, Michigan

Project Manager responsible for providing and managing construction inspection and testing for this cold milling and resurfacing project. The project improved safety at the Quinn and Masonic intersections with M-3, also known as Gratiot Avenue.

I-196 in Kent County, Michigan

Project Manager responsible for the inspection and testing of permanent sign installations along I-196 in Kent County. The project was 13.9 miles in length, included 1,100 permanent signs with 25 overhead sign structures and had a construction cost of \$1.6 million.

Structures over I-96 Bridge Scoping, Detroit, Michigan

Project Engineer. Performed detailed onsite inspections to evaluate the condition of nine existing steel girder structures. A report was generated recommending economical rehabilitation strategies based upon the field investigation and life cycle cost analyses.

I-375 East Riverfront Area Access Improvement, Detroit, MI

Value Engineering Team Member for this \$60 million project to provide I-375 traffic with direct access to the Detroit Riverfront Area through a gateway corridor which includes aesthetic elements to enhance the downtown architecture. Included in project are 8 new or reconstructed bridges, over 2000 feet of retaining wall, a couple miles of roadway reconstruction, and multiple soil and utility issues.

I-96 Interchange at Beck Road, Oakland County, Michigan

Quality Assurance Reviewer responsible for plan review of a Single Point Urban Interchange (SPUI). The project is a interchange expansion project that included road, bridge, maintaining traffic, pavement markings, signing, and side street improvements.

M-37 over Muskegon River, Newaygo County, Michigan

Project Engineer responsible for the design and preparation of specifications for the rehabilitation of an existing 169 m, five span steel girder bridge. The project includes the design of a concrete deck replacement, approach improvements, and utility conflict resolution.



US-31 BR from Montague to US-31, Muskegon County, Michigan

Structural Engineer responsible for the design and preparation of specifications for a retaining wall along 150 meters of roadway. A soldier pile wall was designed alongside a cemetery in a "cut" section.

Scotten Avenue over US-12, City of Detroit, Michigan

Project Engineer responsible for the design and preparation of specifications for the rehabilitation of an existing 42 meter, two-span steel girder bridge. The project included the design of concrete deck replacement, placement of an aesthetic facade on the existing substructure, removal of existing stairwells, replacement of the bridge railings, and approach improvements.

US-31BR from Montague to US-31, Muskegon County, Michigan

Structural Engineer responsible for the design and preparation of specifications for retaining walls along 180 meters of roadway. The project included the design of a retaining wall alongside a cemetery in a cut section and a retaining wall alongside a ravine in a fill section.

I-196 Westbound from Chicago Drive to M-11, Grandville, Michigan

Project Engineer responsible for designing and preparation of specifications for the addition of a 1200-meter merge/weave lane. The project included design for widening of the I-196 Westbound structure over Buck Creek that required both a hydraulic analysis and a scour analysis. Also, floodplain and wetland associated with the Grand River was impacted. This required a hydraulic analysis and preparation of impact information for MDEQ and Army Corps of Engineers permits.

Curtis Road over Tittabawassee River, Midland County, Michigan

Construction Engineer responsible for the inspection of the replacement of an existing 92 meter five span bridge with a proposed 97 meter three span bridge. Also prepared the project documentation and performed required project management, including coordination with materials testing consultant.

120th Street over the Black River, Ottawa County, Michigan

Construction Engineer responsible for the inspection of the substructure widening and superstructure replacement of an existing 38 meter three span bridge. Also prepared the project documentation and performed required project management, including coordination with materials testing consultant and the Ottawa County Road Commission, who performed the roadway inspection.



Leonard Street over Deer Creek, Ottawa County, Michigan

Construction Engineer responsible for the inspection of the replacement of an existing 18 m steel stringer bridge with a proposed 27 m concrete bridge and the improvement of 0.5 km of approach roadway. Also prepared the project documentation and performed required project management, including coordination with materials testing consultant.

Jordan Lake Road, Ionia County, Michigan

Construction Engineer responsible for the inspection and the rehabilitation of 10 km of county roadway. The project included pavement reconstruction, culvert replacements, and geotextile support treatment on poor soils. Prepared the required project documentation and coordinated with the Ionia County Road Commission, who performed the QA/QC of over 45,000 metric tons of bituminous mixtures.

Tuttle Hill Road over Paint Creek, Washtenaw County, Michigan

Construction Engineer responsible for the inspection of the replacement of an existing 18 meter truss bridge with a proposed 27 meter concrete bridge. Also prepared the project documentation and performed required project management, including coordination with materials testing consultant.

Professional Societies/Affiliates

American Society of Civil Engineers
American Concrete Institute

Continuing Education

Project Management Certification, URS, 2004
Construction Management, American Institute for Professional Training and Development, 2000
Project Management, American Society of Civil Engineers, 1999
Practical Concrete Materials, American Concrete Institute, 1999
Troubleshooting Concrete Construction, American Concrete Institute, 1998
Slabs on Grade, American Concrete Institute, 1997
Bridge Inspection Workshop, Michigan Department Of Transportation, 1995



Nathan M. VanDrunen, PE

Senior Civil / Highway Engineer

Project Specific Experience

D Avenue over the Kalamazoo River, Kalamazoo County, MI, 2004
Project Engineer responsible for managing the project in coordination with the Kalamazoo County Engineer. Duties included supervising the inspection staff and sub-consultants, supervising and performing the construction staking, NPDES reports and FieldManager. This \$2.8 million project involved the removal of the old four span steel structure and twin culvert, construction of a 3-span concrete I-beam structure, and the construction of a 24' x 11' pre-cast box culvert. The project also included HMA paving, storm sewer installation, guardrail improvements, non-hazardous contaminated material testing, dewatering and bridge approach construction.

State Street Crush & Shape, Fife Lake, Michigan, 2004
Assistant Project Engineer. Responsibilities included supervising and training the inspection staff, initial project set-up, supervising traffic control and detour set-up and determining removal limits for curb & gutter removal and HMA crush & shape operations. This project included 2 miles of HMA crush and shape, box culvert replacement and storm sewer improvements.

M-6 South Beltline & US-131 Interchange, Wyoming, MI, 2001-2004
Assistant Project Engineer. Responsibilities included supervising inspection staff, sub-consultant coordination, project work orders, contract modifications and field documentation. Responsibility for specific items of work included expansion joint replacements, backwall repairs, deck patching, substructure and superstructure concrete patching and bridge approach construction. The services for this \$140 million project included QA surveying, material testing and project documentation for 2.5 miles of new concrete freeway with HMA shoulders, reconstructing 4 miles of existing concrete freeway, 28 new bridges, 18 retaining walls, sound walls, and placement and grading of more than 5 million cubic meters of earthwork.

Areas of Expertise

Transportation Engineering

Years of Experience

With URS: 8 Years

With Other Firms: 0 Years

Education

BS/1998/Engineering/

Calvin College

Registration/Certification

2002/Registered Professional

Engineer/MI/6201049258

2004/ATTSA Certified Traffic

Control Supervisor

2000/Certified Storm water

Management Operator

1999/Certified Railroad Worker

Safety

Professional Societies

American Society of Civil

Engineers (ASCE)

Specialized Training

Construction Administration for

Engineers/ASCE

Concrete Paving Inspection/

MDOT

CPM Training /MDOT



US-131 "S-Curve" Bridges, Grand Rapids, Michigan, 2000-2001

Inspector. Project involved the total reconstruction of 7 bridges and the partial reconstruction of 2 other bridges in downtown Grand Rapids. This is a fast track project, which included the demolition of all existing structures and the construction of new structures, four lanes in each direction. Main duties included writing Inspector Daily Reports (IDR), making field measurements, recording quantities, and making sure the job is built according to the design plan and follows MDOT specifications.

M-44 (Plainfield Avenue) over I-96, Grand Rapids, Michigan, 1999

Inspector. Project involved the part-width reconstruction of a 5-lane bridge over I-96 and the resurfacing of 5 miles of Plainfield Avenue. Duties included inspection and documentation of bridge reconstruction, traffic signal replacement, coldmilling, pavement joint repair, and HMA resurfacing to ensure the job was completed according to plan and within MDOT specifications.

BS-196 Chicago Drive Reconstruction, Wyoming, Michigan, 1998

Inspector. Project involved the total reconstruction of a four-lane highway facility through an industrial area. Primary duties included inspection, measurement and documentation of aggregate base, HMA pavement, HMA driveways, concrete curb & gutter and restoration.

M-21 Main Street Repaving, Lowell, Michigan, 1998

Inspector. The surface of the old composite pavement of M-21 through Lowell was milled off and then overlaid with new bituminous. Duties included inspection, measurement and documentation of milling operations, HMA pavement, concrete curb & gutter repairs.

Pedestrian Bridge over I-355, Lombard, Illinois, 1996

Inspector. The project included the construction of a two span bridge over I-355 carrying pedestrian walkway / bike path and the construction of two 30-foot tall MSE retaining walls. Duties included surveying path cross-sections, field measurements, inspection, and writing Inspector Daily Reports for various stages of construction.



Robert E. Van Sickle

Senior Road / Bridge Construction Inspector

Overview

Over 38 years of experience as a construction inspector and as a survey tech. Served one year as an office technician checking reports and posting all project documentation, and 17 winters working with the Grand Rapids Design Squad.

Project Specific Experience

M-6 (I-196 to M-37), Grand Rapids, Michigan, 2004

Senior Inspector on 2 restoration projects for MDOT. Primary responsibilities included all pay items for the topsoil, seeding and mulch operations, guardrail items and soil erosion items. NPDES inspector filing a minimum of one report a week, more during significant periods of rainfall. Assisted MDOT's Senior Technician with project oversight as was necessary.

US-131 & M-6 Interchange, Grand Rapids, Michigan, 2001- 2004

Senior Inspector. Provided project oversight on the largest job let to date in the State of Michigan (three years - \$144 million). It was a joint venture between two consultants, URS Corporation & FTCH. There were as many as 24 inspectors working all phases of this job, earthwork, 28 bridges, retaining walls, drainage, and retention / detention ponds. Assisted the PE with damage claims, complaints and personnel coordination. Also, collected accident reports from the policing agencies for the project files. Helped preside over bi-weekly progress meetings between the three prime contractors, MDOT and the consultants. Provided QA / QC checking of the IDR's as needed and was the NPDES inspector filing a minimum of one report a week.

M-45, Allendale, Michigan, 2004

Senior Inspector. Provided project inspection and oversight for an enhancement project on M-45 in the City of Allendale. The project involved landscaping with sprinklers and light poles placed along M-45, as well as in the median. Sidewalk locations were staked as well as the new pedestrian bridges.

Areas of Expertise

Surface Transportation / Quality Control

Years of Experience

With URS: 7 Years

With MDOT: 32 Years

Education

Specialized Training/Part 91, Soil Erosion & Sedimentation

Control (Exp. 8.21.08)/MDEQ

Specialized Training/Certified Water Operator (Exp. 7.1.11)/DNR

Specialized Training/Surveying I and II/MDOT

Specialized Training/Driven Pile Foundations - Construction Monitoring/NHI

Certificate/Michigan Aggregate Technician (Exp. 5.31.05)/MDOT



M-44 (Plainfield Ave.) Bridge Over I-96, Grand Rapids, MI, 1999

Senior Inspector/Lead Worker responsible for collecting and checking daily reports and supporting documentation from the inspectors on the project. Filed NPDES reports, bi-weekly progress reports, daily concrete reports, and made sure the sub-consultants filed all testing reports on the project. Provided project oversight for all paperwork and inspection phases, including the coldmilling, joint repair, and resurfacing of 5 miles of Plainfield Ave. Helped maintain the project files, wrote work orders, generated contract modifications, and checked bi-weekly pay estimates for our field manager program.

US-131 "S-Curve", Grand Rapids, Michigan, 2000

Senior Inspector/Lead Worker responsible for as many as 12 bridge inspectors working on five different bridges. Collected all daily reports (IDR's) and supporting documentation for QA/QC checks before submitting it to MDOT for their field manager processing. Provided project oversight and helped to train the younger inspectors.

Chicago Drive, BS I-196, Wyoming, Michigan, 1998

Senior Inspector/Lead Worker on this project with as many as five Inspectors. Responsible for collecting all daily reports, including testing reports, and keeping track of all pay items. Also worked very closely with the city of Wyoming's Sanitary Sewer and Watermain Inspectors. Acted as liaison between the contractors, City of Wyoming Engineering Department and the property owners and business people on the project. Completely reconstructed 1.74 miles of Chicago Drive, upgrading the storm sewer, sanitary sewer and watermain. Placed concrete curb and gutter the entire length of the job. The project was done in several stages, which required the maintaining and upgrading of all drives and intersections. A new traffic signal was also added at Burlingame Avenue.

M-45 Resurfacing, US-31 to Eastmanville, Michigan

Senior Inspector on joint repair and resurfacing of 6 miles of M-45. Also, shoulder work and guardrail upgrading.

M-120 (Muskegon Causeway), Muskegon, Michigan

Bituminous Paving Inspector on one mile of dual lane roadway. Also, did bituminous paving density.



I-96 (US-131 to Marne), Michigan

Bituminous Paving Inspector on eight miles of "fast-track" project.

Also, resurfaced the Marne rest area. Provided oversight on super corrections on this project.

I-96 Cold Mill Resurfacing and Yellowbook Work, Muskegon to Fruitport, Michigan

Senior Inspector on 8 bridge deck overlays from Muskegon to Fruitport, including all testing, steel replacement, yield checks and texturizing. This project also included cold milling and resurfacing five miles of I-96, several ramp widenings and extension and guardrail upgrading.

M-46 (Apple Avenue), Muskegon, Michigan

Inspector on one mile of reconstruction of Apple Avenue. Responsible for sanitary sewer, water main, density on backfill, curb and gutter and bituminous paving.

Broadmoor Avenue (M-37), Grand Rapids, Michigan

Senior Survey Technician on M-37 from 29th Street to 60th Street.

Responsible for all grade books, slope stake notes, row staking; subgrade, sand grade and finish grade stakes; locating, staking and grading undercuts; staking and grading retention ponds; staking and grading a wetland; all water main, sanitary sewer and curb and gutter stakes.

Provided oversight on all final measurements, drawings and earthwork computations.

US-31, Montague and Whitehall, Michigan

Paint Inspector on six bridges on US-31. Inspected sandblasting, checked different paint thickness and inspected all traffic control devices.

US-31 Construction, Ludington, Michigan

Survey Technician in charge of survey crew staking subgrade, sand, gravel and paving stakes on 10 miles of US-31 freeway south of Ludington.

Lakewood Boulevard at US-31, Holland, Michigan

Inspector on the grade of four ramps at the new interchange. Also, density inspector, curb and gutter, concrete paving, bituminous shoulders and bituminous street on Lakewood Boulevard. Responsible for concrete testing (air, slump, etc).



I-96 7" Concrete Overlay, Portland to Ionia, Michigan

Inspector on 7" concrete overlay over existing roadway. Laid out new 41' joint spacing so no new joint was constructed directly above an existing one, oversaw the 1" bituminous bond breaker over existing road and inspected all new drainage along shoulders of roadway. Took all quality control concrete checks, monitored steel placement and collected tickets for yield checks.

M-21, Saranac, to Ionia, to Pewamo, Michigan

Inspector on Bituminous overlay and yellowbook upgrading of 12 miles of M-21. Extended all drainage to newly cleaned out ditches, widened shoulders and upgraded guardrail.

US-131, Wyoming, Michigan

Inspector on bridge widenings at 36th and 44th Streets over US-131. Responsible for concrete quality control testing on bridge footings, columns, piercaps and bridge decks. Also, chained in all anchor bolts and inspected the placement of bridge beams (Red Iron).

US-31, Grand Haven, Michigan

Inspector on the upgrading of the approach to the Bascule Bridge on US-31. Included widening to six lanes, all grading, fast set joint patching, new curb and gutter, and bit paving. Also, bridge deck overlays and replacement of the NB Bridge deck over the sough channel of the Grand River.

US-31, Saugatuck, Michigan

Inspector on rest area site. Responsible for grade and density inspection on ramps entering and leaving new rest area as well as the parking lots. Served as bituminous Paving Inspector as well. Also, Inspector on rest area building checking plans, shop drawings and inspection of all sidewalks, curb and gutter, plumbing, electrical, water testing, and picnic tables.

M-120 Bridge Replacement, North Muskegon, Michigan

Inspector on bridge over railroad at the old Zephyr Oil Company site. Removed bridge and constructed a new one. Responsible for line and grade on bridge, all concrete testing, measure in anchor bolts, check steel placement, setting steel beams and placing of bridge deck. Also, constructed approaches. Responsible for density testing, sand and gravel staking, and bituminous paving inspection.



Brian D. Seykora

Senior Inspector / Material Testing

Project Specific Experience

M-3 (Gratiot Avenue) @ Masonic Road Resurfacing, Macomb County, Michigan, 2004

Senior Inspector responsible for all project inspection. This \$350,000 project involved HMA coldmilling, joint repairs, resurfacing, curb and gutter removal and replacement, drainage improvements and intersection improvements.

Permanent Signing Inspection & Testing, I-196, Kent County, 2004

Senior Inspector. Responsibilities included inspection and documentation of 25 overhead sign structures, maintenance of traffic, restoration and concrete testing. This \$1.6 million project also involved 1100 permanent signs over a length of 13.9 miles.

US-31 Overhead Sign Trusses and Cantilever Replacement, Muskegon, Mason and Ottawa Counties, Michigan (2 projects)

Senior Inspector. Duties included concrete foundation inspection, concrete testing, removal and replacement of overhead sign trusses and cantilevers, traffic control inspection, excavation and backfill inspection, and restoration. These projects totaled a combined \$2.0 million.

M-6/US-131 Interchange, Kent County, Michigan

Inspector. Primary responsibilities included concrete pavement inspection, HMA inspection, earthwork inspection, and various bridge inspection. This \$140 million project involves building a new M-6 South Beltline freeway cloverleaf interchange with the US-131 freeway, located south of Grand Rapids. The services include road and bridge inspection, QA surveying/testing and project documentation for building 2.5 miles of new freeway, reconstructing 4 miles of existing freeway, 28 new bridges, 18 retaining walls, sound walls, and placement and grading of more than five million cubic meters of earthwork.

Areas of Expertise

Inspection / Testing

Years of Experience

With URS: 4 Years

With Other Firms: 10 Years

Education

BA/1990/Biology/University of Chicago

Pre-Med/1985-1986/Kalamazoo College

Continuing Education

1991 – Present/Grand Valley State University, Allendale, MI

Registration/Certification

Certified Concrete Technician/
Michigan Concrete Association/
Level 1

Certified Radiological Safety and
Nuclear Gauge Operation



US-131 S-Curve, City of Grand Rapids, Michigan, 2000

Inspector working for STS. Performed inspection for the structural steel installation, structural steel painting, concrete surface sealer and MSE wall construction. The project included removal and replacement of five bridge structures totaling 850 meters in length and the construction of 790 meters of MSE walls. The surveyors provided quality assurance of the contractor staking. The project construction cost was approximately \$115 million and was open to northbound and southbound traffic within ten months of beginning work.

Chicago Drive, BS I-196, Wyoming, Michigan, 1998

Senior Field Technician for Hopper/Sheeran/Frank.

Responsibilities included all density testing on the project. Completely reconstructed 1.8 miles of Chicago Drive, upgrading the storm sewer, sanitary sewer and watermain. Placed concrete curb and gutter the entire length of the job. The project was done in several stages, which required the maintaining and upgrading of all drives and intersections.

Hopper/Sheeran/Frank, Inc., Grand Rapids, Michigan

Senior Field Technician responsible for concrete inspection and testing, and soils inspection and testing on various construction projects, including schools, commercial and industrial buildings.

Amway Corporation, Ada, Michigan

Lab Technician – evaluated the quality of finished products with organic and general chemical techniques within the Liquids Quality Assurance Department. Frequently utilized IR spectroscopy, gas chromatography, titration, specific gravity, and reactive index to analyze products.



Philip Tetteh Yartey

Construction Inspector / Office Engineer

Project Specific Experience

D Avenue Bridge over the Kalamazoo River, Kalamazoo, MI, 2004

Inspector. Responsibilities included inspection and documentation of guardrail installation, HMA paving, fence installation and restoration. This \$2.8 million project also included storm sewer installation, non-hazardous contaminated material testing, dewatering and bridge approach construction.

Permanent Signing Inspection & Testing, I-196, Kent County, 2004

Inspector. Responsibilities included inspection and documentation of 25 overhead sign structures, maintenance of traffic, and restoration. Also recorded contractor's progress and pay items for the As-Built records. This \$1.6 million project also involved 1100 permanent signs over a length of 13.9 miles.

US-31 Overhead Sign Trusses and Cantilever Replacement, Muskegon, Mason and Ottawa Counties, Michigan (2 projects)

Inspector. Duties included concrete foundation inspection, concrete testing, removal and replacement of overhead sign trusses and cantilevers, traffic control inspection, excavation and backfill inspection, and restoration. These projects totaled a combined \$2.0 million.

M-6/US-131 Interchange, Kent County, Michigan, 2004

Inspector. Primary duties included assisting with FieldManager work and project documentation, inspection of pavement markings, and assisting with final project punchlist work. This \$140 million project involves building a new M-6 South Beltline freeway cloverleaf interchange with the US-131 freeway, located south of Grand Rapids. The services included road and bridge inspection, QA surveying/testing and project documentation for building 2.5 miles of new freeway, reconstructing 4 miles of existing freeway, 28 new bridges, 18 retaining walls, sound walls, and placement and grading of more than 5 million cubic meters of earthwork.

Areas of Expertise

Construction Inspection

Years of Experience

With URS: 1 Year

With Other Firms: 1 Year

Education

BS/2004/Engineering/Calvin
College, Grand Rapids, MI

Professional Societies

American Society of Civil
Engineers (ASCE)



Soil and Materials Engineers, Grand Rapids, Michigan, 2003

Intern. Duties included inspecting and surveying concrete and HMA pavements. Rated the pavements based on their condition and classified distresses.

Soil and Materials Engineers, Grand Rapids, Michigan, 2002

Intern. Duties included inspecting and surveying concrete and HMA pavements. Rated the pavements based on their condition and classified distresses. Assisted in performing concrete testing.

Construction Engineering Project Experience

D Avenue over the Kalamazoo River, Construction Engineering

Location: Kalamazoo County, MI
Reference: Tom Hohm, PE
269-381-3171
Role: Prime
Construction Cost: \$2.8 million
Construction Start: February 16, 2004
Construction Completion: August 4, 2004

URS was selected by the Kalamazoo County Road Commission to provide full design and construction engineering services for this \$2.8 million construction project. The project involved the removal of the old four span steel structure and twin culvert, construction of a 3-span concrete I-beam structure, and the construction of a 24' x 11' pre-cast box culvert. The project also included HMA paving, storm sewer installation, guardrail improvements, non-hazardous contaminated material testing, dewatering and bridge approach construction.. The services included road construction inspection, bridge construction inspection, construction staking, material testing and project documentation.

M-44, East of Belding, Construction Engineering

Location: Ionia County, MI
Reference: Kevin McReynolds, PE
231-937-7780
Role: Prime
Construction Cost: \$1.8 million
Construction Start: August 2003
Construction Completion: November 2003

URS was selected by MDOT to provide full construction engineering services for this \$1.8 million construction project. The project involved 5 miles of HMA crushing and shaping and resurfacing on M-44 east of Belding to M-66. The services included road construction inspection, QA surveying-testing and project documentation.

M-50, Bridge Replacement, Construction Engineering

Location: Ionia County, MI
Reference: Kevin McReynolds, PE
231-937-7780
Role: Prime
Construction Cost: \$640,000
Construction Start: April 2003
Construction Completion: Substantial Completion July 2003

URS was selected by MDOT to provide full construction engineering services for this \$640,000 expedited construction project. The project consisted of the removal and replacement of 1 bridge structure. The existing structure was replaced with a precast Hy-Span culvert. The project included 200 feet of concrete and HMA approach work on each side of the structure and a 12-mile detour route. The services included bridge and road construction inspection, QA surveying-testing and project documentation.

Construction Engineering Project Experience

Riley Street Pedestrian Underpass, Construction Engineering

Location: Zeeland, MI
Reference: Tom Palarz, PE, Ottawa County Road Commission
616-850-7221
Role: Prime
Construction Cost: \$835,000
Construction Start: June 2002
Construction Completion: September 2003

URS provided full construction engineering services for the Ottawa County Road Commission on this \$840,000 construction project. A ConSpan Precast Arch Culvert was installed to act as a pedestrian underpass beneath Riley Street in the City of Zeeland. The project also consisted of the total reconstruction and profile change of 0.33 miles of Riley Street to accommodate the Culvert.

Permanent Signing Inspection & Testing on I-196

Location: Kent County, MI
Reference: Erick Kind
616-451-3091
Role: Prime
Construction Cost: \$1.6 million
Construction Start: April 2004
Construction Completion: November 2004

URS was selected by MDOT to provide "as needed" construction engineering services for this \$1.6 million construction project. The project involved the removal and replacement of 25 overhead sign structures and 1100 permanent signs over a length of 13.9 miles. The services included inspection, testing, QA survey and project documentation.

US-31 Overhead Sign Trusses and Cantilever Replacement (2 projects)

Location: Muskegon County & Mason County, MI
Reference: Chris Swenski
231-777-3451
Role: Prime
Construction Cost: \$2.0 million
Construction Start: September 2003
Construction Completion: May 2004

URS was selected by MDOT to provide full construction engineering services for these 2 projects totaling \$2.0 million. The services included inspection, testing, QA survey and project documentation.

Construction Engineering Project Experience

M-6/US-131 Interchange Construction Engineering

Location: Kent County, MI
Reference: Erick Kind, PE
616-451-3091
Role: Prime
Construction Cost: \$140 million
Construction Start: February 2001
Construction Completion: Substantial Completion: November 2003, & Final Completion: June 1, 2004

URS was selected by MDOT to provide full construction engineering services for this \$140 million, four-year construction project. The project involves building a new M-6 South Beltline freeway cloverleaf interchange with the US-131 freeway, located south of Grand Rapids. The services include road and bridge construction inspection, QA surveying-testing and project documentation for building 2.5 miles of new freeway, reconstructing 4 miles of existing freeway, 28 new bridges, 18 retaining walls, sound walls, and placement and grading of more than 5 million cubic meters of earthwork. This is a high impact project effecting thousands of motorists each day, as well as the many businesses within the construction influence area.

US-131 S-Curve Construction Inspection

Location: Grand Rapids, MI
Reference: Suzette Peplinski, PE
616-451-3091
Role: Prime
Construction Cost: \$115 million
Construction Start: January 2000
Construction Completion: Substantial Completion: November 2000

URS was selected by MDOT to provide bridge and wall construction inspection for this \$115 million, one-year expedited construction project. The project consisted of the removal and replacement of 5 bridge structures totaling 850 meters in length and the construction of 790 meters of MSE walls. The US-131 S-Curve includes two directions of 4 to 5 lanes and full interior and exterior shoulders. The project was open to NB traffic within 7 months and SB traffic within 10 months of beginning work. Assistance was also provided throughout the project to the Michigan Department of Transportation in identifying and solving construction issues and problems.

Plainfield Ave. over I-96, Construction Engineering

Location: Grand Rapids, MI
Reference: Suzette Peplinski, PE
616-451-3091
Role: Prime
Construction Cost: \$3 Million
Construction Start: April 1999
Construction Completion: September 2000

URS was selected by MDOT to provide full construction engineering services for this \$3 million construction project. The project consisted of the removal and replacement of a 4 span bridge over the freeway. The project also included 5 miles of coldmilling and resurfacing. The services included bridge and road construction inspection, QA surveying-testing and project documentation.

Construction Engineering Project Experience

M-66 Construction Engineering

Location: Ionia, MI
Reference: Karl Koivisto, PE
231-937-7780
Role: Prime
Construction Cost: \$1 Million
Construction Start: April 1999
Construction Completion: September 1999

URS was selected by MDOT to provide full construction engineering services for this \$1 million construction project. The project consisted of 3 miles of HMA road reconstruction and drainage improvements on M-66 through the city of Ionia. The services included road construction inspection, QA surveying-testing and project documentation.

BL-196 Chicago Drive Construction Engineering

Location: Grand Rapids, MI
Reference: Suzette Peplinski, PE
616-451-3091
Role: Prime
Construction Cost: \$2 Million
Construction Start: April 1999
Construction Completion: December 1999

URS was selected by MDOT to provide full construction engineering services for this \$2 million construction project. The project consisted of 3 miles of HMA road reconstruction and drainage improvements on a section of Chicago Drive that runs through an industrial area of Grand Rapids. The services included road construction inspection, QA surveying-testing and project documentation.

M-21 Construction Engineering

Location: Lowell, MI
Reference: Karl Koivisto, PE
231-937-7780
Role: Prime
Construction Cost: \$1 Million
Construction Start: May 1999
Construction Completion: September 1999

URS was selected by MDOT to provide full construction engineering services for this \$1 million construction project. The project consisted of 3 miles of HMA road coldmilling, resurfacing and curb and gutter improvements on M-21 through the city of Lowell. The services included road construction inspection, QA surveying-testing and project documentation.



Soil and Materials Engineers, Inc.
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Daniel O. Roeser, PG
John C. Zarzecki, CWI, CDT

March 2, 2005

Mr. Mike Guter, PE
URS Corporation
3950 Sparks Drive SE
Grand Rapids, Michigan 49546

RE: Proposal for Construction Materials Services
Shoreline Drive 1st Street to Seaway Drive
Muskegon, Michigan

Dear Mike:

Soil and Materials Engineers, Inc. (SME) would be pleased to team with you on this project. As we discussed, we have already provided a significant amount of services for this project. We have performed three geotechnical evaluations for both the design engineer (Earthtech) and MDOT and also provided construction materials services as a subconsultant for Fleis and Vandenbrink Engineering on a previous phase of this project. Therefore, we are well suited to continue our services for this project.

We understand this phase of the project extends from 1st Street to Seaway Drive. The portion between 1st Street and 4th Street will be a total reconstruction with Portland cement concrete pavement. The other portion of the project will be constructed with Asphalt concrete pavement.

We understand URS will perform some of the construction materials services and we will be requested to perform gradation analyses and test the compressive strength of the concrete cylinder specimens. As we discussed, we currently have two projects in the Muskegon area and would strive to efficiently make delivery of samples to our office. We understand MDOT will provide the bituminous plant inspection services.

If requested, we would be pleased to provide field density and concrete testing services with certified personnel.

Plymouth
Bay City
Grand Rapids
Kalamazoo
Lansing
Shelby Township
Toledo

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consultants in the geosciences, materials, and the environment

INVESTMENT

Services will be provided on a unit fee basis, using the schedule of fees attached. If you need a budget established for these services, we would be pleased to discuss the scope of services with you to develop this budget.

AUTHORIZATION AND TERMS

We are prepared to serve you following authorization to proceed. A copy of our General Conditions, which govern our services, is attached. Please sign in the space indicated, including billing address, and return for our records.

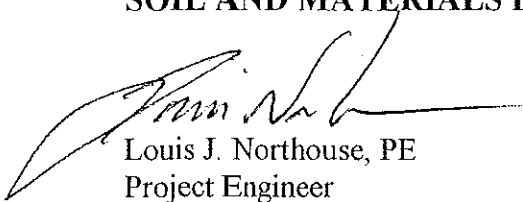
SCHEDULING

Regarding scheduling, please contact Mr. Lou Northouse by 3:00 p.m. to schedule services for the following day.

We look forward to the opportunity to serve you. Please call if you have questions or concerns regarding this proposal.

Very truly yours,

SOIL AND MATERIALS ENGINEERS, INC.



Louis J. Northouse, PE
Project Engineer



Michael S. Meddock, PE
Regional Manager

Attachments: Fee Schedule FS:0 (1/04)
Fee Schedule FS:4 (1/04)
General Conditions (1/04)

Enclosure: 1 PC

T:\Proposals\2005



Soil/Aggregates (Continued)

Organic Impurities	Each	50.00
Organic Content	Each	45.00
Unit Weight of Fine or Coarse Aggregate	Each	50.00
Soundness of Aggregate (5 cycle)	Each	200.00
Crushed Content	Each	50.00
Deleterious Pick	Each	50.00
Atterberg Limits (LL + PL)	Each	100.00
Hydrometer Analysis	Each	100.00
Permeability Test of Liner Sample	Each	250.00
Permeability Test of Compacted Sample	Each	275.00

Bituminous

Bituminous Mix Design-3 Point Marshall Method	Each.....	650.00
One-Point Mix Verification	Each.....	320.00
Marshall Stability and Flow Test (molded samples).....	Per Sample	80.00
MDOT Submittal for Marshall Design	Each.....	1,950.00
Density of Compacted Asphalt Sample	Per Sample	40.00
Extraction/Gradation of Bituminous Concrete	Each.....	150.00
Asphalt Cement Content Only	Each.....	75.00
Penetration of Bituminous Material.....	Each.....	75.00
Abson Recovered Penetration with extraction/gradation.....	Each.....	275.00
Abson Recovered Penetration without extraction/gradation.....	Each.....	200.00

Concrete Masonry Units

Compressive Strength – Gross Area/Net	3 Block Set	200.00
Absorption	3 Block Set	150.00
Dimensional Review.....	3 Block Set	125.00
Linear Shrinkage.....	3 Block Set.....	400.00
Compressive Strength of Prism – Hollow.....	Each prism.....	200.00
– Solid (Grouted).....	Each prism.....	275.00

Brick

Compressive Strength.....	5 Brick Set.....	225.00
Modulus of Rupture for Paving Brick	5 Brick Set.....	250.00
Absorption – Basic	5 Brick Set.....	100.00
– Saturation Coefficient	5 Brick Set.....	100.00
– Initial Rate (Lab method)	5 Brick Set.....	100.00
Efflorescence	5 Brick Set.....	200.00
Dimensional Review.....	10 Brick Set.....	150.00

Grout/Mortar

Compressive Strength – 2” x 2” Cubes.....	Each.....	30.00
– 3” x 3” x 6” Specimen	Each.....	40.00
Splitting Tensile – 3” x 6” Cylinders	Each.....	40.00

Roofing

Built-up Roof Test Cut Analysis (ASTM D-2829) with aggregate	Each.....	275.00
Built-up Roof Test Cut Analysis (ASTM D-3617) without aggregate	Each.....	200.00
Thermal Insulation Compressive Strength (ASTM D-1621)	Each.....	75.00
Thermal Insulation Density (ASTM D-1622)	Each.....	60.00



Roofing (Continued)

Softening Point of Bitumen – Ring and Ball (ASTM D-36).....	Each.....	120.00
Measuring Voids in Roofing Membrane (ASTM D-5076).....	Each.....	120.00

Fireproofing

Adhesion/Cohesion Bond Equipment.....	Per Test	30.00
Density Laboratory Test	Each.....	60.00



SME PROJECT NAME: _____
SME PROJECT NUMBER: _____

SME GENERAL CONDITIONS

1. In this Agreement, the party agreeing to have the services performed is the "Client." The Client's client shall be referred to as the "Owner." Unless expressly stated otherwise, Soil and Materials Engineers, Inc., its employees, agents, subconsultants and subcontractors, are collectively referred to as "SME."
2. SME will submit invoices to Client monthly and a final bill upon completion of services.
3. Payment is due upon presentation of invoice to the Client and is past due 30 days from date of the invoice. Client agrees to pay a service charge of 1-1/2% per month, or the maximum rate allowed by law, whichever is greater, on past due accounts.
4. All reports, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by SME in connection with this Project shall be considered instruments of service, and shall remain the property of SME. SME grants Client and Owner a limited license to use such instruments of service for the purpose of designing, constructing, maintaining or repairing work that is part of this Project. Any reuse of SME's instruments of service for any purpose other than the limited license granted herein is prohibited and SME shall have no responsibility to Client, Owner or third parties for unauthorized use of its instruments of services.
5. Client agrees that all reports and other work furnished to the Client or its agents, which are not paid for, will be returned upon demand and will not be used by the Client for any purpose whatsoever.
6. SME will retain pertinent records relating to the services performed for Client for a period of time consistent with SME's File Management Plan, a copy of which will be provided to Client upon request. During that period, the records will be made available to the Client at reasonable times. At the end of the retention period indicated in SME's File Management Plan, SME may, in its sole discretion, dispose of all such records.
7. **SME MAKES NO WARRANTY, EXPRESS OR IMPLIED, WITH REGARDS TO ITS SERVICES.**
8. Either party may terminate this Agreement upon at least 7 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination will not be effective if that substantial failure is remedied before expiration of the period specified in the written notice. This Agreement shall also be automatically terminated upon a suspension of the project for more than 3 months. In the event of termination, Client will pay SME for services performed to the termination notice date plus reasonable termination expenses. In the event of termination, or suspension, prior to completion of all reports contemplated by this Agreement, SME may complete such analyses and records as are necessary to complete the files and may also complete a report on the services performed to the date of notice of termination or suspension. The expenses of termination or suspension include all direct costs of completing such analyses, records, and reports.
9. If any dispute arising out of or relating to this Agreement, or its breach, is not settled through direct discussions, the parties agree that as a condition precedent to litigation, they will endeavor for 30 days following written notice by one party to the other of a dispute or breach, to settle the dispute by mediation with the assistance of a neutral mediator. In any litigation or arbitration, if applicable, the parties agree that the prevailing party is entitled to recover all reasonable costs incurred in defense or prosecution of the claim, including its staff time, court costs, attorney's fees, and other claim-related expenses. Notwithstanding, SME has no obligation to mediate with Client prior to litigation when collecting fees legally owed by Client.
10. If Client gives SME other-than-written authorization to proceed with services after receiving SME's written proposal, Client agrees to accept the proposal, including these General Conditions, as the Agreement

governing SME's services and the relationship between the parties. Such acceptance based on other-than-written authorization is effective except for those provisions that Client objects to in writing within 7 days following the other-than-written authorization.

11. SME and its staff are protected by worker's compensation insurance and SME has coverage under General Liability and Professional Liability insurance policies. SME will provide Client with evidence of such policies upon written request. SME is not responsible for any loss, damage or liability arising from acts of Client, its agents, staff, and other consultants employed by Client.
12. In consideration for SME's undertaking to perform services at the rates set forth on the Fee Schedule attached to SME's proposal or the lump sum fee provided, Client agrees to limit all potential liability of SME to Client, its employees, agents, successors and assigns, for any and all claims, losses, breaches, damages or expenses arising from, or relating to SME's performance of services on this Project, such that SME's total aggregate liability to Client, its employees, agents, successors and assigns shall not exceed \$50,000 or SME's total fee for the services rendered on the project, whichever is greater. The Client understands that it may negotiate a higher limit of liability in exchange for an appropriate increase in SME's fee.
 - a) Client further agrees that it will require all of its contractors and consultants on this project and their respective subcontractors and subconsultants, be bound by an identical limitation of SME's aggregate liability in their agreements for work on this project.
 - b) Client further agrees that it will require all of its contractors and subcontractors defend and indemnify Client and SME from any and all loss or damage, including bodily injury or death, arising from contractor or subcontractors performance of work on this project, regardless of whether or not such claim, damage, loss or expense is caused in part by SME; provided however, that this obligation shall not apply to claims, damage, loss or expense caused by the sole negligence or fault of SME.
13. To the fullest extent permitted by law, Client shall defend and indemnify SME from and against all claims, damages, losses and expense, including reasonable attorney fees, arising out of the work or materials of any contractor, subcontractor, supplier or consultant, or anyone employed by them, relating to the Project regardless of whether or not such claim, damage, loss or expense is caused in part by SME; provided however, that this obligation shall not apply to claims, damage, loss or expense to the extent caused by the negligence of SME.
14. If SME provides services at the request of Client, in addition to those described in the scope of work contained in SME's proposal, Client agrees that these general conditions including the general notes on the fee schedules shall apply to all such additional services.
15. In the event any provision of this Agreement is held invalid or unenforceable, the other provisions will remain in full force and effect, and binding upon the parties. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between Client and SME will survive the completion of the services and the termination of this Agreement. This Agreement cannot be assigned by either party without the written consent of the other party. This Agreement includes SME's Fee Schedule(s), and any notes thereon, these General Conditions and other documents incorporated herein. This Agreement constitutes the entire Agreement between the parties and cannot be changed except by a written instrument signed by both parties. All preprinted Terms and Conditions on Client's Purchase Order(s) or acknowledgement forms are inapplicable to this Agreement. The parties agree that this Agreement shall be governed in all respects by the laws of the State of Michigan.

PROPOSAL ACCEPTED BY:

Signature

Date

Printed Name

Title

Company

BILLING ADDRESS

Street

City / State

Zip Code



SME General Conditions (1/04)

consultants in the geosciences, materials, and the environment