

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 28, 2006

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. SECOND READING: Vehicles for Hire. CITY CLERK
 - C. Request to Fly the Irish Flag. CITY CLERK
 - D. Environmental Program Trash Clean-up Contract. PLANNING & ECONOMIC DEVELOPMENT
 - E. Vacation of the Southwest 132 Feet of the Alley in Block 187 of the City of Muskegon Revised Plat of 1903. PLANNING & ECONOMIC DEVELOPMENT
 - F. Vacation of the Undeveloped Portion of Frisbie Street. PLANNING & ECONOMIC DEVELOPMENT
 - G. FIRST READING: Zoning Ordinance Amendment to the H, Heritage District. PLANNING & ECONOMIC DEVELOPMENT
 - H. FIRST READING: Rezoning Request for Property Located at 908 Terrace Street. PLANNING & ECONOMIC DEVELOPMENT
 - I. Purchase of Police Cruisers Replacement. PUBLIC WORKS
 - J. Consideration of Bids: Sixth Street, Houston Avenue to Muskegon Avenue. ENGINEERING

❑ **PUBLIC HEARINGS:**

A. Create a Special Assessment District for Denmark Street, Lakeshore to Crozier. ENGINEERING

B. Create a Special Assessment District for Fifth Street, Muskegon to Western. ENGINEERING

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

A. Update on 856 Fork (Tabled from January 24, 2006). PUBLIC SAFETY

B. Ferry Terminal Funding. CITY MANAGER

❑ **NEW BUSINESS:**

A. 2006 - 2007 City Commission Goals. CITY MANAGER

B. MERS Uniform Resolution for Service Credit Purchase. FINANCE

C. Defined Contribution Retirement Plan for New Hires (Clerical). FINANCE

D. Memorandum of Understanding - Justice Assistance Grant. PUBLIC SAFETY

E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

442 W. Muskegon

589 McLaughlin (Carport) – Area 11

1532 Terrace – Area 13

1581 Terrace – Area 13

❑ **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:** To discuss collective bargaining.

❑ **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: February 28, 2006
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the February 3rd Goal Setting Session, February 13th Commission Worksession, and the February 14th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 28, 2006

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, February 28, 2006.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from the Oak Crest Church of God after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Clara Shepherd, Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and Department Secretary Irene Dempsey.

2006-17 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the February 3rd Goal Setting Session, February 13th Commission Worksession, and the February 14th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Vehicles for Hire. CITY CLERK

SUMMARY OF REQUEST: To amend Chapter 102 of the Muskegon Code of Ordinances concerning Vehicles for Hire.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

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 Friday, March 17 to celebrate

St. Patrick's Day through Friday March 24th.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

E. Vacation of the Southwest 132 Feet of the Alley in Block 187 of the City of Muskegon Revised Plat of 1903. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the Southwest 132 feet of the alley located in City of Muskegon Revised Plat of 1903, Block 187, bounded by Terrace Street, E. Muskegon Avenue, Pine Street, and W. Webster Avenue.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the Southwest 132 feet of the alley, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley at their 2/16/06 meeting, with the condition that all utility easement rights be retained. The vote was unanimous with B. Mazade and B. Smith absent.

F. Vacation of the Undeveloped Portion of Frisbie Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of the undeveloped portion of Frisbie Street south of Palmer and west of McGraft Church.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the undeveloped portion of Frisbie Street south of Palmer and west of McGraft Church.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the vacation at their 2/16/06 meeting, with B. Mazade and B. Smith absent.

G. FIRST READING: Zoning Ordinance Amendment to the (H) Heritage District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Sections 2000 and 2001 of Article XX (H) Heritage District to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire (H) Heritage District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the (H) Heritage District ordinance language to add additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire (H) Heritage District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at the 2/16/06 meeting. The vote was unanimous in favor of the amendment, with B. Mazade and B. Smith absent.

H. FIRST READING: Rezoning Request for Property Located at 908 Terrace Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 908 Terrace Street from B-3, Central Business District to B-5, Central Governmental Service District.

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 2/16/06 meeting. The vote was unanimous with B. Mazade and B. Smith absent.

J. Consideration of Bids: Sixth Street, Houston Avenue to Muskegon Avenue. ENGINEERING

SUMMARY OF REQUEST: Award the paving, (using asphalt material) and underground utility construction contract (H-1528) for the Sixth St. reconstruction between Houston and Muskegon to McCormick Sand of Twin Lake since they were the lowest, responsible bidder with a bid price of \$77,328.60

FINANCIAL IMPACT: The construction cost \$77,328.60 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to McCormick Sand.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda as read minus items D and I.

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

Nays: None

MOTION PASSES

2006-18 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. Environmental Program Trash Clean-up Contract. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The special trash pick-up on city terraces and right-of-ways associated with our Environmental Inspections program is currently being performed by Sunset Waste our current solid waste hauler. A request for bids was advertised with two companies placing bids. Diversified UG Utilities Inc. is the lowest bidder for a one year agreement.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the contract and to authorize the Mayor and City Clerk to sign a 1-year agreement with Diversified UG Utilities Inc. for the special trash pick-ups along City right of ways.

Motion by Commissioner Carter, second by Commissioner Davis to approve the environmental program trash clean-up contract Diversified UG Utilities Inc.

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

Nays: None

MOTION PASSES

I. Purchase of Police Cruisers Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase three (3) Crown Victoria from Tony Betten and Sons Ford out of Grand Rapids since they were the lowest responsible bidder with a total bid price of \$60,510.18.

FINANCIAL IMPACT: Total Cost \$60,510.18.

BUDGET ACTION REQUIRED: None, item was budgeted for.

STAFF RECOMMENDATION: Approve and authorize staff to purchase three (3) cruisers.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the purchase of three police cruisers from Tony Betten and Sons Ford out of Grand Rapids.

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

Nays: None

MOTION PASSES

2006-19 PUBLIC HEARINGS:

A. Create a Special Assessment District for Denmark Street, Lakeshore to Crozier. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for Denmark St., Lakeshore Dr. to Crozier Ave. and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determine 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 5:43 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:47 p.m. and create the special assessment district for Denmark Street, Lakeshore to Crozier.

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

Nays: None

MOTION PASSES

(Commissioner Davis and Vice Mayor Gawron were appointed to the Board of Assessors)

B. Create a Special Assessment District for Fifth Street, Muskegon to Western. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for Fifth St., Muskegon Ave. to Western Ave., 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 5:48 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing at 5:53 p.m. and create the special assessment district for Fifth Street, Muskegon to Western and appoint two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

(Commissioners Spataro and Wierengo were appointed to the Board of Assessors)

2006-20 UNFINISHED BUSINESS:

A. Update on 856 Fork (Tabled from January 24, 2006). PUBLIC SAFETY

SUMMARY OF REQUEST: This house was declared to be sub-standard, a public nuisance, and dangerous by the Housing Board of Appeals on September 4, 2005. It was brought to the City Commission January 24, 2006, but at staff's request, was removed from the agenda for a period of 30 days.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: That the Commission not concur with the Housing Board of Appeals as the house has been substantially improved by the owners and should shortly be removed from the dangerous building list.

Motion by Vice Mayor Gawron, second by Commissioner Carter to not concur with the Housing Board of Appeals decision on 856 Fork.

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

Nays: None

MOTION PASSES

B. Ferry Terminal Funding. CITY MANAGER

SUMMARY OF REQUEST: To consider a request from Great Lakes Dock and Materials to fund Energy Code requirements at the Muskegon Ferry Terminal.

FINANCIAL IMPACT: \$29,600.

BUDGET ACTION REQUIRED: The 2006 budget would have to be amended to accommodate this expense.

STAFF RECOMMENDATION: To okay the request as it is not an obligation of the City.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the request of funding the Energy Code requirements for the Muskegon Ferry Terminal with Great Lakes Dock and Materials paying 1/3 and the City paying 2/3.

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

Nays: None

MOTION PASSES

2006-21 NEW BUSINESS:

A. 2006 - 2007 City Commission Goals. CITY MANAGER

SUMMARY OF REQUEST: To adopt the 2006-2007 City Commission Goals.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Vision, Value and Mission statements and the 2006-2007 goals.

COMMITTEE RECOMMENDATION: The City Commission determined these goals at their annual goal setting sessions on February 3, 2006.

Motion by Commissioner Davis, second by Commissioner Shepherd to approve the 2006-2007 City Commission Goals.

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

Nays: None

MOTION PASSES

B. MERS Uniform Resolution for Service Credit Purchase. FINANCE

SUMMARY OF REQUEST: The City has previously approved the transfer of all Non-Union employees to the statewide MERS retirement system. The resolution is a follow-up action and permits employees in the MERS system to purchase up to five years of generic service. Employees wishing to buy service are required to pay 100% of the actuarial cost as determined by MERS.

FINANCIAL IMPACT: The employee is required to pay 100% of the actuarially determined cost.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Commissioner Spataro to approve the MERS uniform resolution for service credit purchase.

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

Nays: None

MOTION PASSES

C. Defined Contribution Retirement Plan for New Hires (Clerical). FINANCE

SUMMARY OF REQUEST: The City Commission has previously approved a contract with the Clerical Union that includes provision for new hires to be members of a Defined Contribution Retirement Program in lieu of membership in the Defined Benefit General Employees' retirement system. The new Clerical DC plan calls for a City contribution of 3%/6% and an employee contribution of 0%/3% of wages. Present employees may also join the DC plan on an elective basis during a window period.

Approval of the resolutions and ordinance amendments is the final step in putting in place the mechanics of these new programs.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the City's annual pension costs. We are negotiating similar arrangements for other employee groups. At this time, new employees in the Fire, Non-Union and Clerical groups are covered by a defined contribution arrangement. The status of this issue with the other employee groups is as follows: Police Patrol (in arbitration); 517M-DPW (in fact-finding); Police Command (to be negotiated).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Defined Contribution Retirement Program for new hires as well as allowing present employees to join the Defined Contribution plan as an elective.

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

Nays: None

MOTION PASSES

D. Memorandum of Understanding - Justice Assistance Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2006 Justice Assistance Grant. The money in this grant is shared by three entities. The \$50,538 in this grant will allow for the continuation of the community prosecution program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of request.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Memorandum of Understanding regarding the Justice Assistance Grant.

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

Nays: None

MOTION PASSES

E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 442 W. Muskegon, 589 McLaughlin (Carport), 1532 Terrace, and 1581 Terrace PUBLIC SAFETY

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

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Carter, second by Commissioner Wierengo to concur with the Housing Board of Appeals decision to demolish 589 McLaughlin (carport), 1532 Terrace, and 1581 Terrace.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 442 W. Muskegon.

Motion by Commissioner Spataro, second by Commissioner Carter to table to the second meeting in March contingent on interior inspection being done and provided to the Commission.

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

Nays: None

Abstain: Shepherd (due to conflict of interest)

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard.

2006-22 CLOSED SESSION: To discuss collective bargaining.

Motion by Commissioner Carter, second by Commissioner Spataro to go into Closed Session at 6:44 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Vice Mayor Gawron to go into Open Session at 7:13 p.m.

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

Nays: None

MOTION PASSES

Commission discussion held.

ADJOURNMENT: The City Commission Meeting adjourned at 7:41 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

Second Reading

Date: February 14, 2006
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Vehicles for Hire

SUMMARY OF REQUEST: To amend Chapter 102 of the Muskegon Code of Ordinances concerning Vehicles for Hire.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

CITY OF MUSKEGON
Ordinance No. 2183

An ordinance amending the Vehicles for Hire Ordinance of the City of Muskegon.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 102 of the Code of Ordinances is amended to read as follows:

1. Sections 102.1 through 10.184 are repealed.
2. Sections 102.200 through 102.260 are adopted to read as follows:

DIVISION 1: GENERAL PROVISIONS

102.201. Definitions.

- (1) *Administrator:* The City Clerk.
- (2) *Taxicab:* Any vehicle operated on streets of the city accepting passengers for hire within the boundaries of the city as directed by the passenger. The term "taxicab" does not refer to the following: mass transportation vehicles operating over fixed routes, vehicles owned and operating over fixed routes, vehicles owned and operated by governmental agencies, vehicles owned and operated by non-profit agencies, school buses, chartered buses, vehicles while in use for funerals, weddings, christenings and similar events; or vehicles providing individual or group transportation while operated pursuant to an agreement with the Muskegon Area Transit System ("MATS").

102.202. Licenses required. No person shall operate a taxicab in the City of Muskegon unless the vehicle and the driver are currently licensed under this chapter.

102.203. Numbering. Each taxicab shall be numbered and the number shall be of such size as to be readily seen, and shall be inscribed on both the inside and outside of the cab.

DIVISION 2: VEHICLE LICENSES

102.221. Application for taxicab license.

- (1) Application for a taxicab license shall be made pursuant to regulations adopted by the city and on forms approved by the City Clerk.
- (2) The application must be accompanied by the certificate of an automobile mechanic licensed in the State of Michigan. The certificate must be on a form approved by the city, must have been issued within 60 days and must indicate that the vehicle has

been thoroughly inspected and has been found to comply with all the requirements of the Michigan Motor Vehicle Code.

(3) No license shall be issued under this division until the applicant obtains and files with the city clerk a policy of liability insurance, issued by an insurance company authorized to do business in the state, for each taxicab to be licensed.

(4) Such policy of insurance shall insure the applicant against liability for personal injury to any passenger or to any member of the general public, or any damage to property, resulting from an accident in which such taxicab may be involved through the recklessness or negligence of its driver, operator or owner.

(5) Such policy shall provide minimum insurance protection for each taxicab in the amount of \$100,000.00 for injury to, or death of, one person, and \$300,000.00 for injury to, or death of, more than one person resulting from a single accident, and \$100,000.00 for damage to property, including personal belongings or baggage of passengers, as a result of one accident.

(6) Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the insurance company.

(7) Such policy shall further provide that it shall not be cancelled, surrendered, or revoked by either party except after ten days' written notice to the city furnished by the insurance company issuing such policy. The cancellation, surrender or other termination of any insurance policy issued and filed in compliance with this section shall automatically terminate the license of any licensee covered by such insurance policy, unless another policy complying with this section shall be in effect and deposited with the city at the time of such cancellation or termination.

(8) No license shall be issued until the policy of insurance has been found to comply with the terms of this section.

102.222. Issuing a taxicab license. A taxicab license shall be issued by the Administrator if the following conditions are met:

(1) An application has been filed consistent with City Code §102.221.

(2) A fee as set by City Commission resolution is paid.

(3) It appears from the mechanic's certificate that it is clean, safe, and in full compliance with the Michigan Motor Vehicle Code.

(4) The vehicle is currently registered in the State of Michigan.

(5) Every taxicab operated under the provisions of this article shall have affixed thereto a taximeter of a size and design approved by the city commission, which charges

rates no higher than the standard rates approved by resolution of the city commission. No licensee or driver shall operate any such taxicab for hire unless the taximeter affixed thereto shall be in workable condition, placed in operation while engaged for hire, and be no more than five percent incorrect to the prejudice of any passenger.

(6) Should a taxicab be taken out of service within a calendar year, there will not be a refund of the fee.

(7) All licenses shall expire on April 30 at 5:00 p.m.

102.223. Display. A permit issued under this subdivision shall at all times be plainly displayed in view of any passenger in the taxicab when the driver is driving such taxicab. A sticker issued under this subdivision shall also be displayed so that it is visible from the rear of the vehicle when it is in operation.

102.224. Maintenance of the vehicle. No person shall drive any taxicab licensed pursuant to this chapter unless such vehicle is maintained at all times in the condition required for the issuance of a license. (No. 16-94, § 1, 3-7-94)

102.225. Revocation of taxicab license. A taxicab license shall be revoked by the Administrator upon any of the following circumstances:

(1) The vehicle is found to be in a condition which would not comply with the maintenance requirements for the issuance of a license.

(2) A person is found driving the vehicle for taxicab purposes who does not have a current valid driver's license and chauffeur's license. However, if the person was properly licensed at the time he commenced driving for the taxicab owner, the section will be applicable only if the owner has been notified that the driver does not have a valid license. A driver whose chauffeur's license has been suspended or revoked shall promptly notify the owner of such license suspension or revocation.

(3) The owner of the vehicle is convicted of violating any of the provisions of this chapter.

DIVISION 3: DRIVERS LICENSE

102.230. Application for taxicab driver's license. Application for a taxicab driver's license shall be on forms approved by the Administrator and in accordance with regulations adopted by the City. Taxicab driver's licenses shall expire at 5:00 p.m. on April 30.

102.231. Issuance of taxicab driver's license. A taxicab driver's license shall be issued or renewed if the following conditions are met:

- (1) The applicant is at least 23 years of age and has paid a fee as set by City Commission resolution;
- (2) The applicant has a current valid Michigan chauffeur's license;
- (3) The applicant has no more than 6 current points for moving violations in accordance with the Michigan Vehicle Code.
- (4) The applicant has not been convicted of offenses involving operation of a vehicle while under the influence of or visibly impaired by alcoholic liquor or controlled substance, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state, substantially corresponding to a law of this state, within the last 2 years.
- (5) The applicant has not, within the previous 5 years, been convicted of a felony involving force or violence;
- (6) The applicant has not been convicted of violating any provision of this chapter within the last 2 years.

102.232. License certificate. Applicants meeting the requirements of this chapter shall be issued a driver's license certificate in a form approved by the administrator. The license certificate shall be conspicuously displayed inside the taxicab at all times when the driver is operating it as a taxicab.

102.233. Revocation of taxicab driver's license. A taxicab driver's permit may be revoked for any of the following causes:

- (1) If it is determined at any time that the application, or information supplied with a renewal form, contains false, fraudulent or misleading information, or it is reasonably demonstrated that information was intentionally omitted from the application or renewal form;
- (2) If the holder of the permit shall be convicted of a felony, a high court misdemeanor, or a misdemeanor involving moral or assaultive conduct, or shall be convicted of any [moving violation under the traffic ordinance of the city or any section of the Michigan Vehicle Code (MCL 251.1 et seq. or any offense involving operation of a vehicle while under the influence of or visibly impaired by alcoholic liquor or controlled substance];
- (3) If the permit holder shall be involved in any accident causing injury to or death of any person, or injury to or destruction of any property, provided that this provision may be waived in the event the holder was in a vehicle legally parked at the time of the accident;

(4) If the holder engages in any conduct or performs any act which would reasonably demonstrate that he does not meet the standards for issuance of a permit set forth in this subdivision;

(5) If the holder engages in conduct or performs any act which endangers the public health, safety and welfare of the inhabitants of the city, or engages in [immoral and disreputable] conduct which would tend to endanger, embarrass or humiliate any person riding in a taxicab;

(6) If the holder engages in any public fight or breach of the peace, or is found in an intoxicated condition or under the influence of any narcotic while operating or attempting to operate a taxicab;

(7) *Transferring the driver permit.* It shall be unlawful for any person holding a permit to transfer or attempt to transfer such permit or any card issued under this subdivision to any person; and it shall be unlawful for any person holding such a permit to knowingly permit any other person to have such permit in his possession. It shall be unlawful for any person to exhibit, wear or have in his possession while operating a taxicab a permit or card issued to any other person.

102.234. Deception of passengers. No driver shall deceive or attempt to deceive any passenger as to that passenger's destination or rate of fare. No driver shall convey any passenger to a place other than directed by the passenger or employ any longer route to a destination than necessary unless requested by the passenger.

DIVISION 4: VEHICLE USAGE

102.240. Seating capacity. No driver shall permit a taxicab to be occupied in violation of state law.

102.241. Standard taximeter rates. Except as otherwise specifically provided in this chapter, no person shall operate or permit the operation of a taxicab with a taximeter for the purpose of charging meter rates higher than the standard rates approved by resolution of the city commission.

102.242. Approval of rates. The Administrator may approve nonmetered service as approved by City Commission Resolution.

102.243. Rate card. No person shall operate a taxicab that does not have a rate card posted in plain view of the passengers. The rate card must clearly indicate the rates charged.

DIVISION 5: HORSE DRAWN VEHICLES

102.250. Established routes or special events. Horse drawn vehicles for hire can be used only for carrying passengers between fixed points along established routes or, by reservation at least 24 hours in advance, for carrying passengers between locations of the passengers' choosing. Horse drawn vehicles shall not travel on state trunk lines or on other streets prohibited in the permit.

102.251. Permits required. No person shall sponsor or drive a horse drawn vehicle for hire without first obtaining a permit from the Administrator and without complying with the conditions of the permit.

102.252 Conditions for obtaining a permit.

(1) Applications for permits under this Division shall be made on forms prescribed by the Administrator. The forms may require information regarding the route, hours, days of the week and dates of operation, certificates regarding the health of the animals, provisions for the immediate removal of the animal droppings from the city streets, transportation of the animals into the city, carriage inspection, safety equipment, and other information the administrator may need to determine whether a permit shall be issued.

(2) Permits shall be granted or refused based on the health, safety and welfare of the public and the degree of interference with the use of the streets for public travel. The administrator or his designee may consider on granting a permit whether the demand of the public requires additional horse drawn vehicles for hire, the effect which such additional horse drawn vehicles for hire may have on traffic congestion and parking and whether additional horse drawn vehicles for hire will result in a greater hazard to the public.

(3) The granting of a permit may be conditioned upon proof of at least \$500,000.00 of insurance protecting the City, agreements to indemnify the City, liability waivers and payment of the costs of providing additional signs, needed police assistance or other city assistance.

(4) Revocation of this permit may be made for failure to promptly pick up horse droppings or noncompliance with any of the conditions of the permit.

(5) The granting of a permit may be conditioned on the permit being inapplicable or invalid in certain areas at certain times because of traffic congestion or hazard to the public as listed in the permit or upon notice of same by the police department.

DIVISION 6: APPEALS

102.260. Appeals.

- (1) Any person aggrieved by the decision of the Administrator regarding the issuance or revocation of a taxicab license or taxicab driver's license may appeal that decision and request a meeting with the Administrator and the Director of Public Safety. Such a request must be made within thirty (30) days of the Administrator's decision, or the right to appeal the decision is waived.
- (2) Any person aggrieved by the decision of the Administrator and Director of Public Safety regarding the issuance or revocation of a taxicab license or taxicab driver's license may appeal that decision and request a meeting with the City Manager or designee. Such a request must be made within thirty (30) days of the decision of the Administrator and Director of Public Safety or the right to appeal the decision is waived.
- (3) All appeals shall proceed according to due process requirements and decisions may deviate from the strict requirements of this chapter if justice so requires.

This ordinance adopted:

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

NAYES: None

Adoption Date: February 28, 2006

Effective Date: March 16, 2006

First Reading: February 14, 2006

Second Reading: February 28, 2006

CITY OF MUSKEGON

By



Gail A. Kunding, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of February, 2006, 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 1, 2006



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on February 28, 2006, the City Commission of the City of Muskegon adopted amendments to Chapter 102 of the Muskegon City Code by amending the Vehicles for Hire Ordinance as follows:

1. Sections 102.1 through 102.184 are repealed.
2. Section 102.201 provides definitions for this Ordinance.
3. Section 102.202 requires taxicab vehicles and drivers to be licensed.
4. Section 102.203 requires taxicab vehicles to be numbered.
5. Section 102.221 provides for an application for a taxicab license.
6. Section 102.222 provides the conditions for issuance of a taxicab license.
7. Section 102.223 requires that the taxicab permit be displayed inside the vehicle and a sticker in the back window.
8. Section 102.224 requires taxicabs to be maintained.
9. Section 102.225 provides the circumstances when a taxicab license is to be revoked.
10. Section 102.230 provides for an application for a taxicab driver's license.
11. Section 102.231 provides the conditions for issuance of a taxicab driver's license.
12. Section 102.232 requires the taxicab driver's license be displayed inside the vehicle.
13. Section 102.233 provides the conditions for revocation of a taxicab driver's license.
14. Section 102.234 prohibits deceiving passengers.
15. Section 102.240 provides for seating capacity.
16. Section 102.241 requires standard taximeter rates.

17. Section 102.242 permits approval for nonmetered service.
18. Section 102.243 requires the posting of a rate card inside the vehicle.
19. Section 102.250 requires, and limits, established routes for horse drawn vehicles.
20. Section 102.251 requires permits for horse drawn vehicles.
21. Section 102.252 establishes the conditions for obtaining a horse drawn vehicle permit.
22. Section 102.260 establishes an appeal process.

Copies of the Ordinance may be viewed and purchased at a 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 (10) days from the date of this publication.

Published: March 6, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Date: February 28, 2006
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 Friday, March 17th to celebrate St. Patrick's Day through Friday March 24th.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



February 13, 2006

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 Friday, March 17, 2006 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 Friday, March 17th through Friday March 24th 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 5:15 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,

A handwritten signature in black ink, appearing to be "Kevin Donovan", with a long horizontal line extending to the right.

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

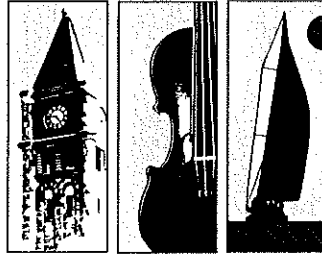
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

March 1, 2006

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

Dear Mr. Donovan:

Your request to fly the Irish Flag outside City Hall on Friday, March 17th through Friday, March 24th was approved by the City Commission at their meeting last night.

If you have any questions, please call me at (231) 724-6705.

Thank you,

Linda Potter

Linda Potter
Deputy Clerk

cc: J.R. Gann

Commission Meeting Date: February 28, 2006

Date: February 17, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
**RE: Vacation of the Southwest 132 feet of the alley in Block 187
of the City of Muskegon Revised Plat of 1903**

SUMMARY OF REQUEST:

Request for vacation of the Southwest 132 feet of the alley located in City of Muskegon Revised Plat of 1903, Block 187, bounded by Terrace Street, E. Muskegon Avenue, Pine Street, W. Webster Avenue.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the Southwest 132 feet of the alley, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the alley at their 2/16/06 meeting, with the condition that all utility easement rights be retained. The vote was unanimous with B. Mazade and B. Smith absent.

RESOLUTION #2006-17(e)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the Southwest 132 feet of the alley in Block 187 of the City of Muskegon Revised Plat of 1903, bounded by Terrace Street, E. Muskegon Avenue, Pine Street, E. Webster Avenue; and,

WHEREAS, the Planning Commission held a public hearing on February 16, 2006, to consider the petition and, subsequently, recommended the vacation; and,

WHEREAS, due notice had been given of said hearing as well as the February 28, 2006, City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the Southwest 132 feet of the alley in Block 187 City of Muskegon Revised Plat of 1903 bounded by Terrace Street, E. Muskegon Avenue, Pine Street, and E. Webster Avenue, County of Muskegon, State of Michigan.

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said alley vacated and discontinued, provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

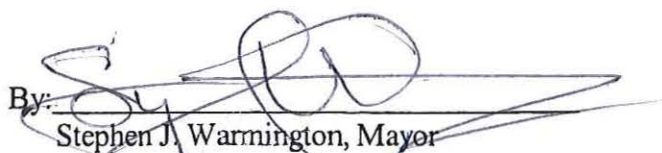
BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the City shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

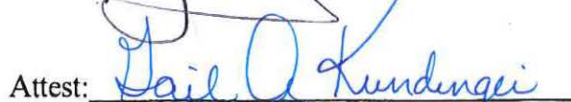
Adopted this 28th day of February, 2006.

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

Nays: None

Absent: None

By: 
Stephen J. Warmington, Mayor

Attest: 
Gail A. Kunderger, MMC, City Clerk

CERTIFICATION

(Alley Vacation of Southwest 132 ft. of alley in Block 187 of the City of Muskegon Revised Plan of 1903)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on February 28, 2006.



Gail Kunding, MMC
Clerk, City of Muskegon

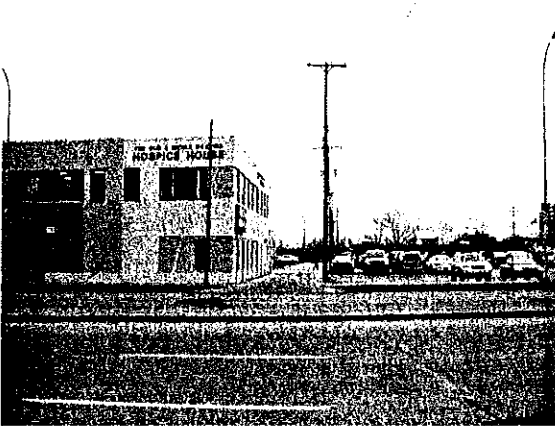
Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
February 16, 2006

Hearing; Case 2006-03: Request to vacate the Southwest 132 feet of the alley located in Block 187 Bounded by Terrace Street, E. Muskegon Avenue, Pine Street, and W. Webster Avenue, by Nancy McCarthy, Hackley Visiting Nurse Services & Hospice.

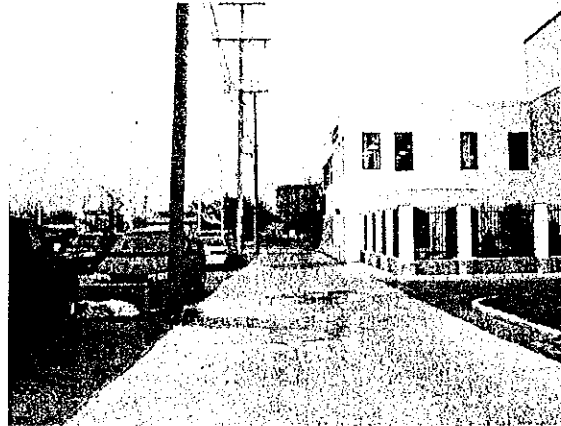
BACKGROUND

The applicant is the new owner of the property at 908 Terrace Street, formerly Beerman's Music. They also own the property at 888 Terrace Street, which is the site of Hackley Visiting Nurse Services & Hospice. Parking on their current site is very tight, and they have been utilizing parking on 908 Terrace Street through an agreement with the former owner. They would like to join the two properties, and further develop the parking area with some green space that would provide a park like setting for their patients and staff. Presently, the alley has become somewhat of a pedestrian hazard as employees or patient's families crossing it to get to the parking area have nearly been hit by cars using the alley as a through-way between Pine and Terrace Streets. Access from Pine Street would be kept open for those property owners on that end of the alley as access.

Engineering, Fire, and DPW have all been requested to inspect this alley to determine if any problems would be created if it is vacated. Fire has no issues with this request. DPW does have sanitary sewer in the alley, but staff recommends that utility rights be retained.



Alley view from Terrace Street.



Looking down the alley toward Terrace.

STAFF RECOMMENDATION

Staff recommends approval of the request.

DELIBERATION

I move that the vacation of the Southwest 132 feet of the alley located in Block 187 bounded by Terrace Street, E. Muskegon Avenue, Pine Street, and W. Webster Avenue, be

recommended to City Commission for (approval/denial), based on (compliance/lack of compliance), with City's 1997 Master Land/Downtown Lakeshore Redevelopment Plan, with the following conditions:

1. All utility easements will be retained.

Commission Meeting Date: February 28, 2006

Date: February 17, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *Ubc*
RE: Vacation of the Undeveloped portion of Frisbie Street

SUMMARY OF REQUEST:

Request for the vacation of the undeveloped portion of Frisbie Street South of Palmer and West of McGraft Church.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the undeveloped portion of Frisbie Street South of Palmer and West of McGraft Church.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended the vacation at their 2/16/06 meeting, with B. Mazade and B. Smith absent.

CITY OF MUSKEGON

RESOLUTION #2006- 17(f)

WHEREAS, a petition has been received to vacate the unimproved portion of Frisbie Street south of Palmer; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2006 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been give of said hearing as well as the February 28, 2006 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the unimproved portion of Frisbie Street south of Palmer and west of McGraft Church; and

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued; and

BE IT FURTHER RESOLVED that this Resolution shall not become final and binding on the City until there has been full compliance with state law, including an appropriate circuit court order; and

BE IT FURTHER RESOLVED, that this Resolution shall not be recorded with the Register of Deeds until all conditions are satisfied.

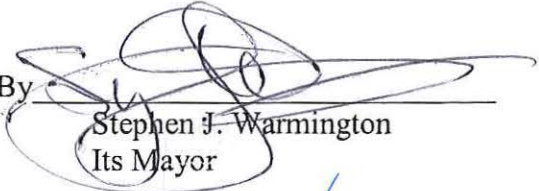
Adopted this 28 day of February, 2006.

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

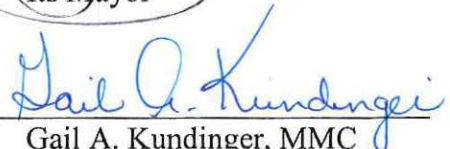
NAYES: None

ABSENT: None

By


Stephen J. Warmington
Its Mayor

By


Gail A. Kunding, MMC
Its Clerk

CERTIFICATE

(Vacation of the unimproved portion of Frisbie Street south of Palmer)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on February 28, 2006.

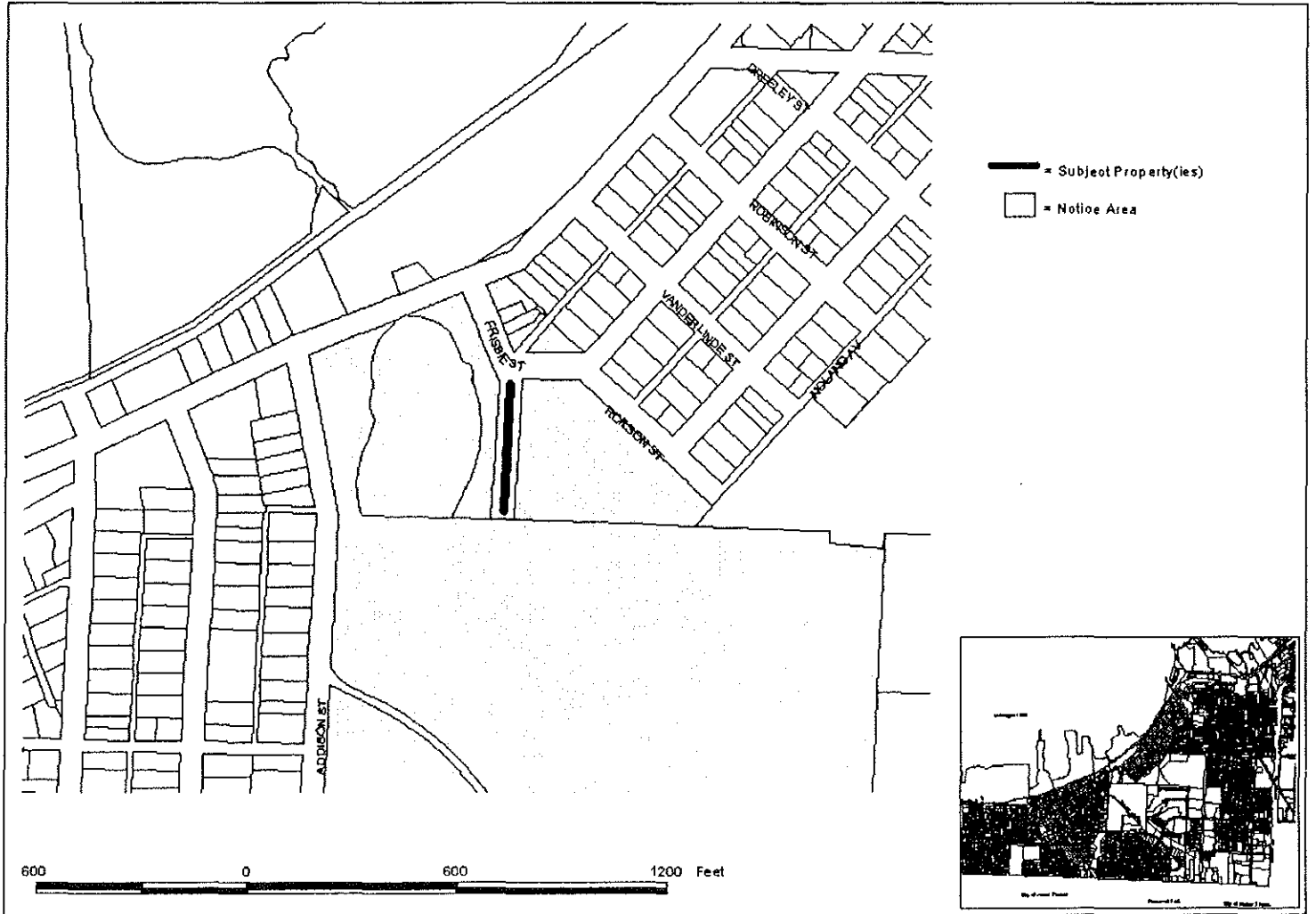
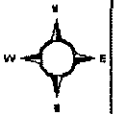
CITY OF MUSKEGON

By: _____



Gail A. Kunding, MMC
Its Clerk

City of Muskegon
Planning Commission
Case # 2006-02



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

February 16, 2006

Hearing; Case 2006-02: Request to vacate the undeveloped portion of Frisbie Street south of Palmer and West of McGraft Church, by Ralph VanRiper, Head Deacon of McGraft Church.

BACKGROUND

The applicant is McGraft Church. Their property abuts the platted but undeveloped portion of Frisbie Street. The church has preliminary plans to build a "Family Life Center Building", however their present property isn't large enough to accommodate the size building they would like. They initially approached the City through the Leisure Services Department to obtain a lease for a portion of McGraft Park property adjacent to their for construction of their building. However, since McGraft Park is a "Charter Park" this is not a possibility.

This street vacation is not your ordinary street vacation request. Streets that are located within approximately 80 feet of a body of water may only be vacated by the circuit court. According to the Subdivision Control Act, Section 560.256:

Land in a subdivision dedicated to the use of the public for purposes other than pedestrian or vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion of which public way is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated."

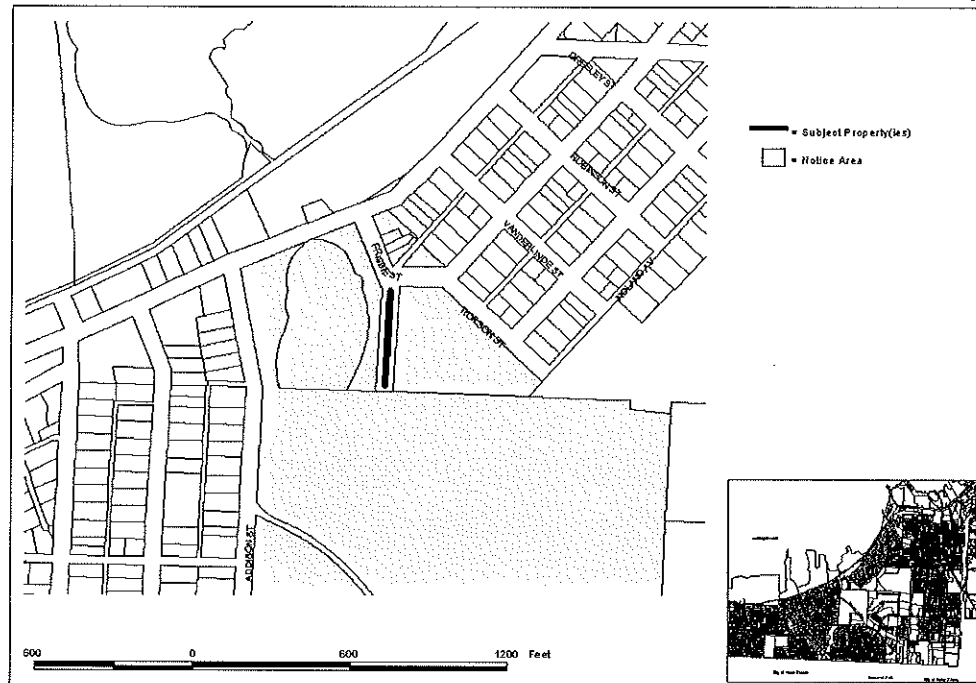
Since the church needs the additional 33 feet of this street for their addition, which would become church property if Frisbie Street is vacated, they are willing to pursue the final vacation in circuit court. In order for them to move forward with this action, approval of the vacation must be granted by City Commission.

Engineering, Fire and DPW have no issues with the proposed vacation. The church has requested that no utility rights be retained, since they need to locate a portion of their building on the additional property. There are no city utilities located in the platted street right-of-way, and staff has had no response from other utilities that were notified of this request. The church accesses their utilities from the developed portion of Frisbie and Roilson Streets.

DELIBERATION

I move that the vacation of the undeveloped portion of Frisbie Street, south of Palmer and West of McGraft Church, be recommended to the City Commission for (approval/denial, based on (compliance/lack of compliance)), with the City's Master Land Use Plan.

**City of Muskegon
Planning Commission
Case # 2006-02**



View from across Ruddiman Creek.



View from improved Frisbie St.

STAFF RECOMMENDATION

Staff recommends approval of the request.

Commission Meeting Date: February 28, 2005

Date: February 17, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Zoning Ordinance Amendment to the H, Heritage District

SUMMARY OF REQUEST:

Request to amend Sections 2000 and 2001 of Article XX (H, Heritage District) to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the H, Heritage District ordinance language to add additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage District.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 2/16 meeting. The vote was unanimous in favor of the amendment, with B. Mazade and B. Smith absent.

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

February 16, 2006

Hearing; Case 2006-05: Staff initiated request to amend 2000 & 2001 (H, Heritage Districts) of Article XX to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage district.

BACKGROUND

Our H, Heritage zoning district is presently primarily geared toward residential uses, and for the majority of the district, this is appropriate. However, the West Western Avenue corridor is, and always has been, a business district. Now that more development is taking place on Western Avenue, it makes it necessary for every commercial/office use to operate under a special use permit. Therefore, staff reviewed this section and is proposing the addition of certain commercial, service, and office uses in the H district as principal uses, **on Western Avenue only**. Also proposed are a few additional special uses for anywhere in the district, where they would be regulated through the special use process.

NEW LANGUAGE

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

H Heritage

ARTICLE XX - H HERITAGE DISTRICTS

PREAMBLE

The "H" Heritage District is intended to permit land uses which promote a historic atmosphere, cultural and educational values, stabilize and improve property values, foster community beauty and pride by permitting the following land uses.

SECTION 2000: PRINCIPAL USES PERMITTED

In an H Heritage 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. One (1) and two (2) family dwellings.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each door of building that exceeds the maximum height required.
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. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
 - a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services
 - f. Teaching of music or dancing or similar instruction, limited to one client at a time
 - g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
 - h. All home occupations are subject to the following:
 - i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.

- ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
- iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
- iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
- v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
- vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
- vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
- ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
- x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
- xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii) There shall be no outside storage or processing.
- xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small

van on the premises.

xiv) Activities specifically prohibited (but not limited to) include:

- (1) A service or repair of motor vehicles, appliances and other large equipment
- (2) A service or manufacturing process which would normally require industrial zoning
- (3) A commercial food service requiring a license
- (4) A limousine service
- (5) A lodging service including but not limited to, a tourist home, motel or hotel
- (6) A tattoo parlor
- (7) An animal hospital or kennel
- (8) A lawn service

xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.

5. In addition, for those lots abutting Western Avenue between Fourth and Ninth Streets only, the following uses are permitted:

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

applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.

e. Office buildings for any of the following types of occupations: executive, administrative and professional.

6. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 2001: SPECIAL LAND USES PERMITTED

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

1. Retail business or service establishments as Principal Uses Permitted in the B-1 District, subject to the regulations of this District.
2. Restaurants, lounges and clubs, except drive-in restaurants.
3. Craft shops.
4. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, and similar professions.
5. Outdoor displays.
6. Hotels and motels.
7. **Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.**
8. **Indoor Theaters**
 - a. **Parking must be either on site or with an irrevocable shared parking agreement.**
9. **Antique Shops.**
10. Multiple family residential uses of various types and densities provided, however, that

any existing structure originally constructed for one or two family use shall not be further divided into additional dwelling units unless it can be demonstrated to the satisfaction of the Historic District Commission and the Planning Commission that the essential form and integrity of the structure and its site and surroundings can be maintained. Any new multiple family construction shall be compatible and/or complementary to the character of the surrounding area as determined by the Historic District Commission and the Planning Commission. Multiple family uses as described under this subsection may be allowed as part of a building containing other allowable. Principal or Special Uses in this district.

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

SECTION 2002: PLANNED UNIT DEVELOPMENTS

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

SECTION 2003: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 4,000 sq. feet.
2. Maximum lot coverage:
Buildings: 100%
Pavement: 25%
3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height limit:
Maximum height: 6 stories or 90 feet
Minimum height: 2 stories or 35 feet.

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

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

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

6. Front Setbacks: [amended 1/05]

Minimum:

Expressway or Arterial Street: 30 feet

Collector or Major Street: 20 feet

Minor Street: 10 feet

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

7. Rear setback: 10 feet

8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).

9. Side setbacks: no requirement

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

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

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. 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]

DELIBERATION

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

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2184

An ordinance to amend Sections 2000 and 2001 of Article XX (H, Heritage District) of the Zoning Ordinance to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage District.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2000 and 2001 of Article XX (H, Heritage) is hereby amended to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage District:

Section 2000: Principal Uses Permitted

5. In addition, for those lots abutting Western Avenue between Fourth and Ninth Streets only, the following uses are permitted:
- a. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - b. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.
 - c. Restaurants, or other places serving food.
 - d. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
 - e. Office buildings for any of the following types of occupations: executive, administrative and professional.

SECTION 2100: SPECIAL USES PERMITTED

7. **Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.**
8. **Indoor Theaters**
 - a. **Parking must be either on site or with an irrevocable shared parking agreement.**
9. **Antique Shops.**

This ordinance adopted:

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

Nayes: None

Adoption Date: February 28, 2006

Effective Date: March 17, 2006

First Reading: February 28, 2006

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of February, 2006, 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 3, 2006.

Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on February 28, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2000 and 2001 of Article XX (H, Heritage Districts) to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage District.

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 7, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: February 28, 2006

Date: February 17, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 908 Terrace St.

SUMMARY OF REQUEST:

Request to rezone the property located at 908 Terrace Street from B-3, Central Business District to B-5, Central Governmental Service District.

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 2/16 meeting. The vote was unanimous with B. Mazade and B. Smith absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2185

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from B-3 "Central Business District" to B-5 "Central Governmental Service District"

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 B-3 "Central Business District" to B-5 "Central Governmental Service District":

CITY OF MUSKEGON REVISED PLAT OF 1903 DESC AS SLY 50 FT LOT 16 & WLY 24.5 FT OF SLY 50 FT LOT 17 BLK 187 PARCEL B SLY 37 FT OF NLY 44 FT LOT 16 & LOT 17 EXC NLY 53 FT & EXC W 24.5 FT OF S 50 FT TH' OF BLK 187 SUBJ TO EASEMENT OF ROW REC'D 1487/678

This ordinance adopted:

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

Nays: None

Adoption Date: February 28, 2006

Effective Date: March 17, 2006

First Reading: February 28, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, MMC
Clerk

CERTIFICATE
(Rezoning of 908 Terrace Street B-3 to B-5)

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 28th day of February, 2006, 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 3, 2006.

Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on February 28, 2006, 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 B-3 "Central Business District" to B-5 "Central Governmental Service District":

CITY OF MUSKEGON REVISED PLAT OF 1903 DESC AS SLY 50 FT LOT 16 & WLY 24.5 FT OF SLY 50 FT LOT 17 BLK 187 PARCEL B SLY 37 FT OF NLY 44 FT LOT 16 & LOT 17 EXC NLY 53 FT & EXC W 24.5 FT OF S 50 FT TH' OF BLK 187 SUBJ TO EASEMENT OF ROW RECORD' 1487/678

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 7, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

February 16, 2006

Hearing; Case 2006-04: Request to rezone the property at 908 Terrace Street, formerly Beerman's Music, from B-3, Central Business, to B-5, Central Governmental Service District, by Nancy McCarthy, Hackley Visiting Nurse Services & Hospice.

BACKGROUND

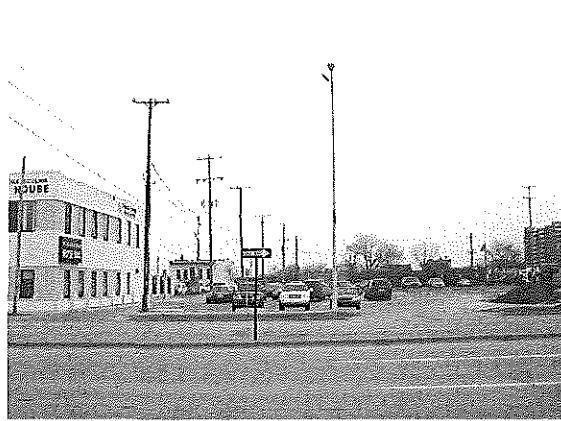
<u>Applicant:</u>	Hackley Visiting Nurse Services & Hospice
<u>Property Address/Location</u>	908 Terrace Street
<u>Request:</u>	Rezone from B-3, Central Business to B-5, Central Governmental Service
<u>Present Land Use:</u>	Vacant/Parking
<u>Zoning:</u>	B-3, Central Business

STAFF OBSERVATIONS

1. The subject property at 908 Terrace Street was the location of the former Beerman's Music. The building has been purchased by Hackley Visiting Nurse Services & Hospice and the Beerman's building has been demolished.
2. Hackley Visiting Nurse Service & Hospice is located adjacent to the subject property at 888 Terrace.
3. Hackley Visiting Nurse Services & Hospice wish to develop the now mostly vacant property for parking and green space.
4. The property at 888 Terrace was rezoned from B-3 to B-5 in 2003 when Visiting Nurses purchased the former Hage's Christian Supply building.
5. Properties to the Northeast and Southwest are zoned B-3, Central Business. Properties to the Northwest and Southeast, are zoned B-5, Central Governmental Service.
6. The Downtown/Lakeshore Redevelopment Plan shows this property located in the "Service Center" which "gives a home for community, even religion-wide services and functions".
7. Staff has received no comments regarding the request.



Former Beerman's site, 908 Terrace St.



East side of HVNS building/parking area.



Hackley Visiting Nurse Services & Hospice building.

RECOMMENDATION

Staff recommends approval of the request to rezone the subject property from B-3 to B-5 because the request conforms to the goals and recommendation of the City's 1997 Master Plan/Downtown Lakeshore Redevelopment Plan.

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 908 Terrace Street from B-3, Central district to B-5, Central Governmental Service 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/Downtown Lakeshore Redevelopment Plan and zoning district intent.

Date: February 28, 2006
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Sixth Street, Houston to Muskegon

SUMMARY OF REQUEST:

Award the paving, using asphalt material, and underground utility construction contract (H-1528) for the Sixth St. reconstruction between Houston to Muskegon to McCormick Sand out of Twin since they were the lowest, see attached bid tabulation, responsible bidder with a bid price of \$77,328.60.

FINANCIAL IMPACT:

The construction cost \$77,328.60 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to McCormick Sand

COMMITTEE RECOMMENDATION:

H-1528 SIXTH STREET, HOUSTON AVE. TO MUSKEGON AVE.

BID TABULATION 02/14/06

CONTRACTOR ADDRESS		ENGINEER'S CITY/ST/ZIP		MCCORMICK SAND 5430 RUSSELL RD		KAMMINGA & ROODVOETS 3435 BROADMOOR		BRENNER EXCAVATING 2841 132ND AVE		WADEL STABILIZATION 2500 N. OCEANA DR.		GRANT TOWER EXCAVATING 13064 WISNER AVE.		JACKSON-MERKEY 555 E WESTERN AVE		DOUBLE L ENTERPRISES 5216 INDUSTRIAL PK RD	
ITEM OF WORK		UNIT	QTY	ESTIMATE	TOTAL PRICE	ESTIMATE	TOTAL PRICE	ESTIMATE	TOTAL PRICE	ESTIMATE	TOTAL PRICE	ESTIMATE	TOTAL PRICE	ESTIMATE	TOTAL PRICE	ESTIMATE	TOTAL PRICE
1	ADJUST MANHOLE CASTING	EACH	4	\$400.00	\$1,600.00	\$500.00	\$2,000.00	\$350.00	\$1,400.00	\$500.00	\$2,000.00	\$450.00	\$1,800.00	\$2,286.42	\$9,145.88	\$398.10	\$1,592.40
2	AGGREGATE BASE COURSE 22A @ 8" C.I.P.	SQ.YD.	1000	\$5.50	\$5,500.00	\$7.75	\$7,750.00	\$6.75	\$6,750.00	\$10.00	\$10,000.00	\$5.75	\$5,750.00	\$6.78	\$6,780.00	\$8.00	\$8,000.00
3	BIT. LEVELING MIX 3C @ 165#/S.Y.	TON	82	\$50.00	\$4,100.00	\$54.60	\$4,477.20	\$52.00	\$4,264.00	\$54.00	\$4,428.00	\$54.00	\$4,428.00	\$57.52	\$4,716.64	\$57.20	\$4,690.40
4	BIT. TOP MIX 4C @ 165#/S.Y.	TON	82	\$60.00	\$4,920.00	\$66.70	\$5,469.40	\$63.00	\$5,166.00	\$63.00	\$5,166.00	\$62.00	\$5,084.00	\$66.72	\$5,471.04	\$66.35	\$5,440.70
5	CATCHBASIN CASTING EJIW #1045 OR EQUAL	EACH	2	\$875.00	\$1,750.00	\$700.00	\$1,400.00	\$700.00	\$1,400.00	\$650.00	\$1,300.00	\$430.00	\$860.00	\$783.50	\$1,567.00	\$447.80	\$895.60
6	CATCHBASIN FLAT TOP	EACH	2	\$1,300.00	\$2,600.00	\$1,125.00	\$2,250.00	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00	\$1,200.00	\$2,400.00	\$334.50	\$669.00	\$2,110.00	\$4,220.00
7	CONC. CURB & GUTTER F-4 MOD.	LIN. FT.	620	\$9.00	\$5,580.00	\$9.80	\$6,076.00	\$16.00	\$9,920.00	\$9.00	\$5,580.00	\$10.40	\$6,448.00	\$10.26	\$6,361.20	\$11.80	\$7,316.00
8	CONC. DRIVE APPROACH 6" STD.	SQ.YD.	72	\$28.00	\$2,016.00	\$23.00	\$1,656.00	\$30.00	\$2,160.00	\$30.00	\$2,160.00	\$25.20	\$1,814.40	\$24.38	\$1,755.36	\$26.50	\$1,915.20
9	CONC. SIDEWALK 4"	SQ.FT.	360	\$3.25	\$1,170.00	\$3.25	\$1,170.00	\$2.50	\$900.00	\$4.00	\$1,440.00	\$3.50	\$1,260.00	\$3.56	\$1,281.60	\$4.10	\$1,476.00
10	CONC. SIDEWALK 6"	SQ.FT.	200	\$4.00	\$800.00	\$2.55	\$510.00	\$3.50	\$700.00	\$4.00	\$800.00	\$2.80	\$560.00	\$2.81	\$562.00	\$3.25	\$650.00
11	MACHINE GRADING MOD.	STA.	3	\$1,950.00	\$5,850.00	\$1,670.00	\$5,010.00	\$750.00	\$2,250.00	\$5,000.00	\$15,000.00	\$2,600.00	\$7,800.00	\$1,891.67	\$5,675.01	\$1,395.00	\$4,185.00
12	MANHOLE CASTING EJIW #1045 OR EQUAL	EACH	5	\$500.00	\$2,500.00	\$450.00	\$2,250.00	\$700.00	\$3,500.00	\$600.00	\$3,000.00	\$335.00	\$1,675.00	\$1,568.50	\$7,842.50	\$382.00	\$1,910.00
13	MANHOLE STANDARD 4' DIA.	EACH	1	\$1,500.00	\$1,500.00	\$1,650.00	\$1,650.00	\$1,400.00	\$1,400.00	\$1,000.00	\$1,000.00	\$1,150.00	\$1,150.00	\$2,120.00	\$2,120.00	\$2,140.00	\$2,140.00
14	MANHOLE STANDARD 4' DIA. W/FLAT TOP	EACH	1	\$1,500.00	\$1,500.00	\$1,350.00	\$1,350.00	\$1,400.00	\$1,400.00	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$1,513.00	\$1,513.00	\$2,315.00	\$2,315.00
15	GEOTEXTILE STABILIZATION	SQ.YD.	342	\$25.00	\$8,550.00	\$3.00	\$1,026.00	\$5.00	\$1,710.00	\$3.00	\$1,026.00	\$1.60	\$547.20	\$1.18	\$403.56	\$3.25	\$1,111.50
16	REMOVING CONC. DRIVE APPROACH	SQ.YD.	56	\$11.50	\$644.00	\$9.00	\$504.00	\$6.50	\$364.00	\$9.00	\$504.00	\$12.00	\$672.00	\$7.18	\$402.08	\$8.25	\$462.00
17	REMOVING CONC. SIDEWALK	SQ.FT.	540	\$1.00	\$540.00	\$1.00	\$540.00	\$1.00	\$540.00	\$3.00	\$1,620.00	\$1.00	\$540.00	\$2.08	\$1,123.20	\$1.25	\$675.00
18	REMOVING EXISTING STRUCTURES	EACH	7	\$400.00	\$2,800.00	\$305.00	\$2,100.00	\$350.00	\$2,450.00	\$170.00	\$1,190.00	\$500.00	\$3,500.00	\$313.29	\$2,193.03	\$460.00	\$3,220.00
19	REMOVING PAVEMENT	SQ.YD.	1116	\$7.00	\$7,812.00	\$7.00	\$7,812.00	\$7.50	\$8,370.00	\$9.00	\$10,044.00	\$10.00	\$11,160.00	\$9.72	\$10,847.52	\$4.35	\$4,854.60
20	SAND REFILL	CU.YD.	217	\$10.00	\$2,170.00	\$10.00	\$2,170.00	\$12.00	\$2,604.00	\$10.00	\$2,170.00	\$7.00	\$1,519.00	\$8.44	\$1,831.48	\$13.80	\$2,994.60
21	STORM SEWER 10" C-76 CLASS V	LIN. FT.	88	\$28.00	\$2,464.00	\$40.00	\$3,520.00	\$28.00	\$2,464.00	\$50.00	\$4,400.00	\$52.00	\$4,576.00	\$62.75	\$5,522.00	\$40.80	\$3,590.40
22	STORM SEWER 12" C-76 CLASS V	LIN. FT.	318	\$30.00	\$9,540.00	\$31.00	\$9,858.00	\$30.00	\$9,540.00	\$30.00	\$9,540.00	\$32.50	\$10,335.00	\$31.27	\$9,943.86	\$26.15	\$8,315.70
23	TERRACE GRADING	LIN. FT.	300	\$11.00	\$3,300.00	\$12.00	\$3,600.00	\$12.00	\$3,600.00	\$9.00	\$2,700.00	\$6.00	\$1,800.00	\$4.12	\$1,236.00	\$8.45	\$2,535.00
24	TRAFFIC CONTROL	LUMP	1	\$7,500.00	\$7,500.00	\$2,000.00	\$2,000.00	\$9,800.00	\$9,800.00	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00	\$3,147.00	\$3,147.00	\$7,600.00	\$7,600.00
25	TRENCH REPAIR STATE TRUNK LINE	LIN. FT.	40	\$125.00	\$5,000.00	\$50.00	\$2,000.00	\$110.00	\$4,400.00	\$120.00	\$4,800.00	\$205.00	\$8,200.00	\$66.22	\$2,648.80	\$67.50	\$2,700.00
TOTAL					\$83,411.00		\$77,328.60		\$88,714.00		\$97,868.00		\$92,578.60		\$94,758.56		\$85,054.50

*** \$1,820.00 NOT IN TOTAL

*** INCORRECT ITEM CALCULATION

Commission Meeting Date: February 28, 2006

Date: February 15, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CEC*
RE: Environmental Program Trash Clean-up Contract

SUMMARY OF REQUEST:

The special trash pick-up on city terraces and right-of-ways associated with our Environmental Inspections program is currently being performed by Sunset Waste our current solid waste hauler. A request for bids was advertised with two companies placing bids. Diversified UG Utilities Inc. is the low bidder for a one year agreement.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the contract and to authorize the Mayor and City Clerk to sign a 1-year agreement with Diversified UG Utilities Inc. for the special trash pick-ups along city right of ways, as directed by environmental inspections staff.

COMMITTEE RECOMMENDATION: None

Memo

To: Honorable Mayor and City Commission
From: Mike Cameron, Code Coordinator
Date: February 15, 2006
Re: Environmental Terrace Special Pick-ups Contract

The request for bids resulted in two submissions from area contractors to perform the services needed. The two bids were as follows: Freelance Enterprises Inc., 1385 E. Keating, located in Muskegon Township, submitted a bid for a two year contract with the labor fees per pick-up remaining the same for both years, \$65.00 for the first 1/2 ton picked up and \$85.00 for trash pick-up of 1/2 to 1 ton with \$105.00 being the charge for 1 to 2 tons of trash. The other bidder is Diversified UG Utilities Inc. 2329 E. Riverwood Drive, Twin Lake and their submitted bid was for a one year contract with fees per pick-up of \$60.00 for the first 1/2 ton picked up and \$110.00 for trash pick-up of 1/2 to 1 ton with \$150.00 being the charge for 1 to 2 tons of trash. Attached are copies of the bidding sheets submitted.

Staff's recommendation is to accept the one-year bid with Diversified UG Utilities Inc. While Diversified's bid was higher than Freelance on the upper two tiers of the bid proposal, the vast majority of the work performed is billed at the lowest bid category and they were low bidder in that category. When using the proposed bid amounts from both bidders and estimating our costs based on 2005 pick-up numbers, the Diversified bid would be the overall lowest of the two. The contract to be awarded does not include a fee to be charged to the city if there is no action needed when a contractor arrives at the violation site. We currently pay our contractor \$10.00 per such occurrence for a total of \$1,470.00 in 2005. Those charges were nearly 10% of our overall charges in this area for 2005.

Both bidders have the necessary equipment to perform the work.

FreeLance Enterprises Inc. Bid sheet:

Schedule 1 of Agreement

CONTRACT PRICE PROPOSAL

This proposal is for clean up and transportation labor based upon each individual clean-up assignment.

	<u>1-Year Bid</u>	<u>2-Year Bid</u>
1. Fee to pick up first ½ ton.	65 ⁰⁰	65 ⁰⁰
2. Fee to pick up ½ – 1 ton.	85 ⁰⁰	85 ⁰⁰
3. Fee to pick up 1 – 2 tons.	105 ⁰⁰	105 ⁰⁰
4. Fee to pick up over 2 tons	Fee to be determined on a case by case basis.	

EQUIPMENT LIST

List all of the equipment that you own or have access to for this contract.

TRUCK W/LARGE TRAILER Year/Make/Model	Date Owned or Leased	Name of Lessor	Name of Vendor
1. 2 92 10 YRD Trailers		All OWNED	
2. 1 1 Ton Chevy 4x4 91			
3. 1 1 Ton Ford 4x4 97			
4. 1 1 Ton Chevy 4x4 97			

CAMERA Type/How Many?	Date Owned or Leased	Name of Lessor	Name of Vendor
1. SEVERAL MODELS OF KODAK			
2.			
3.			
4.			

Diversified UG Utilities Inc. Bid sheet:

Schedule 1 of Agreement

CONTRACT PRICE PROPOSAL

This proposal is for clean up and transportation labor based upon each individual clean-up assignment.

	<u>1-Year Bid</u>	<u>2-Year Bid</u>
1. Fee to pick up first ½ ton.	\$60.00	
2. Fee to pick up ½ – 1 ton.	\$110.00	
3. Fee to pick up 1 – 2 tons.	\$150.00	
4. Fee to pick up over 2 tons	<u>Fee to be determined on a case by case basis.</u>	

EQUIPMENT LIST

List all of the equipment that you own or have access to for this contract.

TRUCK W/LARGE TRAILER Year/Make/Model	Date Owned or Leased	Name of Lessor	Name of Vendor
1. 2000 Ford F-550 w/6,000 lb. crane - 16 ft. Flatbed trailer w/side racks			
2. 2000 Ford F-550 Dump (5 yd) - 30' triple axle flatbed trailer w/side racks			
3. 1999 Ford F-550 Stake Bed - tandem axle enclosed trailer (12')			
4. 1997 Ford F-350 - United enclosed trailer - 14' (2000)			

CAMERA Type/How Many?	Date Owned or Leased	Name of Lessor	Name of Vendor
1. Kodak DX 4900 4megapixel (owned)			
2. Kodak (owned)- digital			
3.			
4.			

**CITY OF MUSKEGON
CONTRACT FOR SERVICES**

This Agreement is effective on this 31st. day of March, 2006, between City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, MI 49443 ("City"), and, Linnette Kruszynski, of Diversified UG Utilities Inc. ("Contractor"), with reference to the following facts:

Background

- A. City requested bid proposals for trash clean up of the right-of-ways and terrace areas of City-owned, State-owned and privately owned properties located within the City limits of Muskegon as listed above.
- B. Contractor submitted a bid proposal for trash clean up of the right-of-ways and terrace areas of City-owned, State-owned and privately-owned properties located within the City limits of Muskegon as listed above.

Therefore, the parties agree as follows:

- 1. **Inclusion of Additional Agreements.** This Agreement includes, but may not be limited to the following:
 - a. Invitations to bid, instructions to bidders and the pre-bid conference with minutes;
 - b. All descriptions of services not included in this Agreement but used in connection with the bidding process;
 - c. The bid proposal and any requirement included with or attached to the bid documents and this Agreement; and
 - d. Any specifications used in connection with this Agreement.

This Agreement, together with the documents described above, constitutes the Agreement between the parties and shall be considered as part of the Agreement as if attached or repeated herein.

In the event that there are inconsistencies within the Agreement, the Contractor shall immediately notify the City, in writing, for a determination, interpretation, clarification and/or prioritization of the inconsistencies.

- 2. **Services.** Contractor shall provide the following services, under the direction and supervision of the City Planning Department, relating to trash clean up of the above listed properties. Contractor shall perform the services set forth in this contract in a timely, workman-like manner.
 - a. **Garbage, debris and waste removal.** Contractor shall pick up and remove all garbage, debris, trash and waste materials, including but not limited to cans, bottles, loose papers, dead tree

- iii. Alternative equipment may be proposed for use but requires City approval prior to use.
 - iv. Chain saws.
 - v. Hand Tools, including rakes, brooms, shovels, pitch forks, and other tools as deemed appropriate for the job site.
 - vii. Digital Cameras. Minimum 3 megapixel resolution with automatic dating capacity.
4. **Expenses.** Contractor shall be responsible to pay for all expenses incurred by Contractor related to the performance of its duties under this Agreement and for all compensation owed to its workers and/or subcontractors.
5. **Contract Price.** City agrees to pay Contractor, in full consideration for the complete performance of Contractor's obligations under this Agreement, the amount set forth in the Contractor's bid proposal and documents described in paragraph 1.
6. **Assignments.** Work assignments are determined on an as needed basis.
7. **Contractor Work Crew.**
- Number.** The contractor shall provide the staff needed to efficiently and economically perform the task required. The city reserves the right to limit the size of work crews at any time.
- a. **City Representatives.** City may assign one or more persons to the job site as its Representative(s). The City Representative(s) may supervise work crews in their performance at the job site, and may instruct the work crews as to what tasks must be performed.
8. **Schedule.**
- a. Work schedules shall be completed by City on a daily or as needed basis.
- b. Provisions shall be made, at Contractor's expense, for contacting the Contractor on short notice or in an emergency situation by any the following methods:
- i. Telephone;
 - ii. Cellular Telephone
 - iii. Beeper
9. **Work Orders.**
- a. **Distribution.** Work orders will be distributed to the Contractor at a location designated by the City.

b. **Damages.** In the event that Contractor fails to commence performance at the specified time and is in default of the Agreement, Contractor shall pay to the City the sum of \$200 for each and every calendar day that the Contractor is in default. The amount of damages shall not be construed as a penalty, but to ensure the City's ability to provide substituted services and costs associated with that default. Damages shall be determined by the City after investigation by the City. Damages shall be deducted from payment.

c. **Violations.** Following Contractor's commencement of performance of this Agreement, City shall notify Contractor of each violation of the Agreement reported to City. It shall be the duty of Contractor to remedy the cause of the complaint. Failure of Contractor to take remedial measures shall be considered a breach of the Agreement, and for the purpose of computing damages under the provisions of this section, it is agreed that City may deduct from payments due or to become due to Contractor the City's cost to remedy or substitute performance.

Failure to perform pursuant to this Agreement for a period in excess of three (3) consecutive, scheduled, working days, or failure for a similar period, to perform in the manner required, and provided such failure is not a result of war, insurrection, riots, or acts of God, the City may, at its option and after written notice to Contractor, utilize any or all of Contractor's equipment used in performance of this Agreement until such time the matter is resolved and the Contractor is performing under the terms of the Agreement.

Any and all expenses incurred by City during such time may be deducted from payments due or to become due to Contractor.

Should Contractor be unable to resume performance at the close of ten (10) calendar days, all liability of the City under this Agreement shall cease and City shall be free to negotiate with other contractors for the performance of work. Any contract thereby entered into with another contractor shall not release Contractor from liability to City for breach of this Agreement.

d. **Appeal.** The City's determination shall be final and binding on both parties, unless appealed, in writing to the City Manager or his designee within ten (10) working days after notice. The City Manager or his designee shall grant Contractor an informal hearing upon such request. The decision of the City Manager shall be final and binding.

e. **Waiver.** City may waive all or any portion of damages without prejudicing its rights under this Agreement.

14. **Insurance and Indemnity.**

a. **Hold Harmless Agreements.** To the fullest extent permitted by law, Contractor agrees to defend, pay in behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees, volunteers, and others working on behalf of the City against any and all claims, demands, suits, or losses, including all costs connected therewith, and for any damages which may be asserted,

- i. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance, if applicable;
 - ii. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance; and
 - iii. If so requested, Certified Copies of all policies mentioned above will be furnished.
 - i. If any of the above coverages expire during the term of this contract, Contractor shall deliver renewal certificates and/or policies to City at least ten (10) days prior to the expiration date.
15. **Income Tax Withholding.** Contractor shall withhold income taxes from each employee who is subject to such withholding, and pay such tax in accordance with the City of Muskegon Income Tax Ordinance and all applicable laws associated with that ordinance. Contractor shall require the same from each subcontractor, consultant or vendor used in the performance of his duties and obligations in this Agreement. City reserves the right to withhold payments otherwise due to Contractor to assure compliance with this Agreement or to cure such noncompliance.

16. **General Provisions.**

- a. **Notices.** Any notice that either party may give or is required to give under this Agreement shall be in writing, and, if mailed, shall be effective on the day it is delivered to the other party at the other party's address set forth in this Agreement or at any other address that the other party provides in writing. Notices given in person are effective on the day they are given.
- b. **Governing Law.** This Agreement is executed in accordance with, shall be governed by, and construed and interpreted in accordance with, the laws of the State of Michigan.
- c. **Assignment or Delegation.** Neither party shall assign all nor any portion of its rights and obligations contained in this Agreement without the express prior written approval of the other party, which approval may be withheld in the other party's sole discretion.
- d. **Entire Agreement.** This Agreement shall constitute the entire agreement, and shall supersede any other Agreements, written or oral, that may have been made or entered into, by, and between the parties with respect to the subject matter of this Agreement, and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought.
- e. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, and be enforceable by, the parties and their respective legal representatives, permitted successors, and assigns.

Schedule 1 of Agreement

CONTRACT PRICE PROPOSAL

This proposal is for clean up and transportation labor based upon each individual clean-up assignment.

	<u>1-Year Bid</u>	<u>2-Year Bid</u>
1. Fee to pick up first ½ ton.	\$60.00	
2. Fee to pick up ½ – 1 ton.	\$110.00	
3. Fee to pick up 1 – 2 tons.	\$150.00	
4. Fee to pick up over 2 tons	<u>Fee to be determined on a case by case basis.</u>	

EQUIPMENT LIST

List all of the equipment that you own or have access to for this contract.

TRUCK W/LARGE TRAILER Year/Make/Model	Date Owned or Leased	Name of Lessor	Name of Vendor
1. 2000 Ford F-550 w/6,000 lb. crane - 16 ft. Flatbed trailer w/side racks			
2. 2000 Ford F-550 Dump (5 yd) - 30' triple axle flatbed trailer w/side racks			
3. 1999 Ford F-550 Stake Bed - tandem axle enclosed trailer (12')			
4. 1997 Ford F-350 - United enclosed trailer - 14' (2000)			

CAMERA Type/How Many?	Date Owned or Leased	Name of Lessor	Name of Vendor
1. Kodak DX 4900 4megapixel (owned)			
2. Kodak (owned)- digital			
3.			
4.			

Date: 02/28/06
To: Honorable Mayor and City Commission
From: DPW
RE: Purchase of Police Cruisers Replacement

SUMMARY OF REQUEST:

Authorize staff to purchase three (3) 2006 Crown Victoria from Tony Betten and Sons Ford out of Grand Rapids since they were the lowest responsible bidder with a total bid price of \$60,510.18.

FINANCIAL IMPACT:

Total Cost \$60,510.18

BUDGET ACTION REQUIRED:

None. Item was budgeted for.

STAFF RECOMMENDATION:

Approve and authorize staff to purchase three (3) cruisers.

Memorandum

To: Honorable Mayor and City Commissioners
From: DPW
Date: 02/28/06
Re: Budgeted Vehicle Replacement (Police Cruisers)

The Equipment Division had scheduled the replacement of six Crown Victoria Police Interceptors for 2006. However, due to a lower than normal turnover, we are requesting the purchase of only three units at this time. These vehicles will be setup with video system, light bars, and radar units and will be used as police patrol cars.

I have requested prices from area dealers as well as the statewide purchasing contract. Attached is a summary of the bids.

In accordance with established purchasing policy, I am requesting permission to purchase three Crown Victoria Police Interceptors from Tony Betten and Sons Ford out of Grand Rapids.

Equipment Purchase - 2006				
	<u>Macomb County</u>	<u>Great Lakes Ford</u>	<u>Fremont Ford</u>	<u>Tony Betten</u>
	<u>3942 W. Lansing</u>	<u>2469 E. Apple Ave</u>	<u>7148 W 48th</u>	<u>3839 Plainfield NE</u>
<u>Type of Vehicle</u>	<u>Perry Mi 48872</u>	<u>Muskegon Mi 49442</u>	<u>Fremont ,Michigan</u>	<u>rand Rapids Mi 49525</u>
3 Crown Victoria	\$20,597.00	\$20,860.00	\$20,781.60	\$20,170.06
Police Interceptors				
Total	\$61,791.00	\$62,580.00	\$62,344.80	\$60,510.18

Date: February 28, 2006
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create a Special Assessment District for:
DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for **DENMARK ST., LAKESHORE DR. TO CROZIER AVE.**, 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. 2006-19(a)

Resolution At First Hearing Creating Special Assessment District
For **DENMARK ST., LAKESHORE DR. TO CROZIER AVE.**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 28, 2006** 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 **February 28, 2006**, there were 25.93 % 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 Davis 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 **18.97%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 28, 2006**. 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

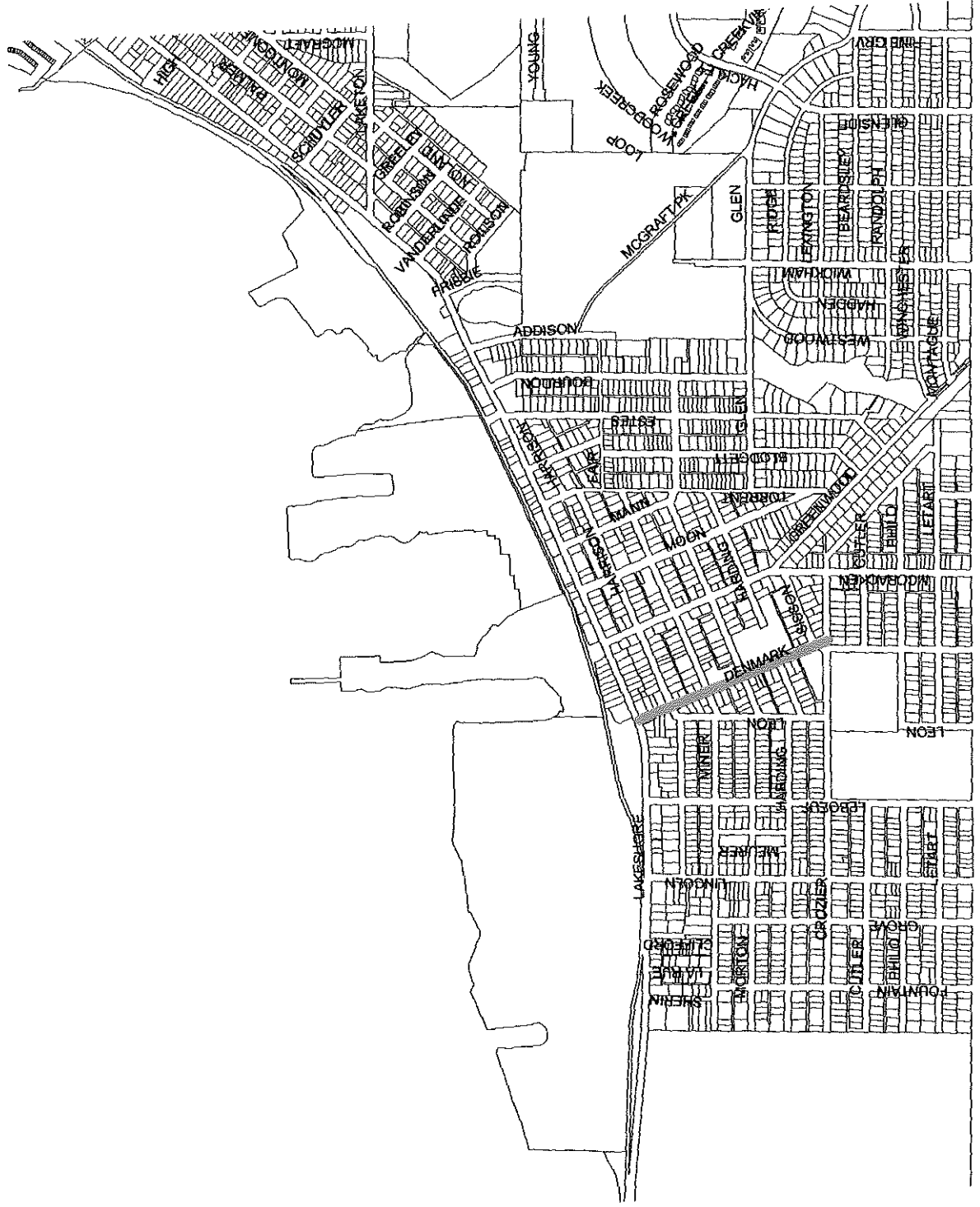
EXHIBIT A

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of DENMARK ST., LAKESHORE DR. TO CROZIER
AVE.**

Denmark - Lakeshore to Crozier



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Denmark St., Lakeshore Dr. to Crozier 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 17th DAY OF FEBRUARY, 2006.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF March, 2006.

Linda S. Potter
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:

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.
AND

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

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

All parcels abutting Denmark St., from Lakeshore Dr. to Crozier Ave.

And

All parcels abutting Fifth St. from Muskegon Ave. to Western 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 **FEBRUARY 28, 2006 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 18, 2006**

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

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

The reconstruction of Denmark between Lakeshore Dr. & Crozier, see attached exhibit for location, was initiated by the City due to the conditions of the pavement, drainage facilities and other underground utilities (water & sewer). The existing pavement has deteriorated to a level where, we believe, a total reconstruction is necessary. This section of road has not had, to the best of our records, any major work since the 50s. The proposed improvements (reconstruction) consist of following;

1. Complete removal of existing pavement and replacement with a new asphalt street section that would include curb & gutter without any changes to the width.
2. Sanitary sewer replacement – spot repairs.
3. Water & Sanitary Services replacement.
4. Storm sewer replacement (drainage facilities)

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 \$545,777 with the length of the project being approximately 1650 lineal feet (project length) or 2015' of assessable footage. This translates into an estimated improvement cost of \$169 per assessable foot. The assessment figure will be at a cost not to exceed \$32.00 per assessable foot as established in the 2006 Special Assessment Rates for this type of improvement

February 13, 2006

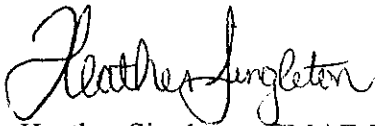
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Fifth Street between Muskegon Avenue and Western 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 13, 2006.

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 of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$33.50. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

A handwritten signature in cursive script, reading "Heather Singleton".

Heather Singleton, CMAE 2

Appraiser

February 17, 2006

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 FEBRUARY 28, 2006. 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 17, 2006

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:

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Denmark St. from Lakeshore Dr. to Crozier 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 FEBRUARY 28, 2006 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 \$340,000.00 of which approximately 18.97% (\$64,493.12) 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 requested by property owners 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
DENMARK ST., LAKESHORE DR. TO CROZIER AVE. H 1613
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
DENMARK ST., LAKESHORE DR. TO CROZIER AVE. H 1613
CDBG APPLICATION 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 your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you **to the extent that funds are available.**

Application Requirements:

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

2005

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

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

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

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

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

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST.,LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 39.13 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,252.16

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 EXC S 200 FT & EXC W 59 FT BLK 658

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

OWNERS NAME

SPECIAL ASSESSMENT

H 1613

RECONSTRUCTION

HEARING DATE

FEBRUARY 28, 2006

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

1	FRICKE IRENE	ASSESSABLE FEET:	39.13
24-205-658-0001-00	156 MILLVIEW AVE	COST PER FOOT:	\$32.00
@ 2205 LAKESHORE DR	KALAMAZOO MI 49001	ESTIMATED P.O. COST:	\$1,252.16
2	LARSEN RONALD P II	ASSESSABLE FEET:	54
24-205-658-0001-20	2165 DENMARK ST	COST PER FOOT:	\$32.00
@ 2165 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,728.00
3	BILEK ROBERT/BROOKE	ASSESSABLE FEET:	53
24-205-658-0001-30	2171 DENMARK ST	COST PER FOOT:	\$32.00
@ 2171 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,696.00
4	STOUT EUGENE E	ASSESSABLE FEET:	48.33
24-205-658-0001-40	2200 HARRISON AVE	COST PER FOOT:	\$32.00
@ 2200 HARRISON AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,546.56
5	TULEJA ELSIE	ASSESSABLE FEET:	49.5
24-205-657-0001-00	306 N JACKSON	COST PER FOOT:	\$32.00
@ 2203 DENMARK ST	SPRING LAKE MI 49456	ESTIMATED P.O. COST:	\$1,584.00
6	CARPENTER JEFFRAY L	ASSESSABLE FEET:	24.75
24-205-657-0001-10	2215 DENMARK ST	COST PER FOOT:	\$32.00
@ 2215 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$792.00
7	CARPENTER JEFFRAY L	ASSESSABLE FEET:	33
24-205-657-0002-00	2215 DENMARK ST	COST PER FOOT:	\$32.00
@ 2225 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,056.00

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

8	DEVOOGD JON P/MCNIFF WILLI	ASSESSABLE FEET:	33
24-205-657-0004-00	3404 FULTON AVE	COST PER FOOT:	\$32.00
@ 2231 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,056.00
9	BREEN TRACY/ANGELA	ASSESSABLE FEET:	66
24-205-656-0001-00	2249 DENMARK ST	COST PER FOOT:	\$32.00
@ 2249 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
10	LAKESIDE BAPTIST CHURCH	ASSESSABLE FEET:	66
24-205-656-0002-00	2250 DENMARK ST	COST PER FOOT:	\$32.00
@ 2257 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
11	MOSHER JOHN R	ASSESSABLE FEET:	66
24-205-656-0007-00	2269 DENMARK ST	COST PER FOOT:	\$32.00
@ 2269 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
12	SNEDEKER MARK/BAILEY CHRI	ASSESSABLE FEET:	66
24-205-656-0006-00	2279 DENMARK ST	COST PER FOOT:	\$32.00
@ 2279 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
14	KROLL LAURALEE	ASSESSABLE FEET:	66
24-205-655-0001-00	2297 DENMARK ST	COST PER FOOT:	\$32.00
@ 2297 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
15	TOWNE KAREN I	ASSESSABLE FEET:	33
24-205-655-0002-00	2303 DENMARK ST	COST PER FOOT:	\$32.00
@ 2303 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,056.00

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

16	HOWARD PATRICK D	ASSESSABLE FEET:	33
24-205-655-0002-10	2309 DENMARK ST	COST PER FOOT:	\$32.00
@ 2309 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,056.00</u>
17	GILLIKEN RENTAL & INVESTME	ASSESSABLE FEET:	66
24-205-655-0013-00	1860 NIELWOOD DR	COST PER FOOT:	\$32.00
@ 2317 DENMARK ST	MUSKEGON MI 49445	<u>ESTIMATED P.O. COST:</u>	<u>\$2,112.00</u>
18	SCHROEDER EDWARD	ASSESSABLE FEET:	66
24-205-655-0012-00	1456 E MCMILLAN RD	COST PER FOOT:	\$32.00
@ 2325 DENMARK ST	MUSKEGON MI 49445-101	<u>ESTIMATED P.O. COST:</u>	<u>\$2,112.00</u>
19	PERDUE MATTHEW J/HEIDI	ASSESSABLE FEET:	66
24-205-654-0001-00	2341 DENMARK ST	COST PER FOOT:	\$32.00
@ 2341 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,112.00</u>
20	LAKESIDE UNITED METHODIST	ASSESSABLE FEET:	66
24-205-654-0002-00	2160 CROZIER AVE	COST PER FOOT:	\$32.00
@ 2357 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,112.00</u>
21	LAKESIDE UNITED METHODIST	ASSESSABLE FEET:	198
24-205-654-0010-00	2160 CROZIER AVE	COST PER FOOT:	\$32.00
@ 2160 CROZIER AVE	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$6,336.00</u>
22	SWARVAR DANIEL C	ASSESSABLE FEET:	85
24-205-641-0005-00	2187 LAKESHORE DR	COST PER FOOT:	\$32.00
@ 2187 LAKESHORE DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,720.00</u>

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

23	DANIELS ELEANOR I	ASSESSABLE FEET:	60
24-205-641-0005-10	2168 DENMARK ST	COST PER FOOT:	\$32.00
@ 2168 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,920.00</u>
24	FORTIER PAULETTA	ASSESSABLE FEET:	44
24-205-641-0005-20	2176 DENMARK ST	COST PER FOOT:	\$32.00
@ 2176 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,408.00</u>
25	FREYE DOUGLAS	ASSESSABLE FEET:	75
24-205-641-0005-30	2156 HARRISON AVE	COST PER FOOT:	\$32.00
@ 2156 HARRISON AVE	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,400.00</u>
26	VANLEEUVEN LUKE/SMITH JEA	ASSESSABLE FEET:	33
24-205-642-0010-00	3832 DALSON RD	COST PER FOOT:	\$32.00
@ 2204 DENMARK ST	TWIN LAKE MI 49457	<u>ESTIMATED P.O. COST:</u>	<u>\$1,056.00</u>
27	HORSLY RICHARD A/CONSTAN	ASSESSABLE FEET:	66
24-205-642-0010-10	2216 DENMARK ST	COST PER FOOT:	\$32.00
@ 2214 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,112.00</u>
28	HRYNEWICH SUSAN L TRUST	ASSESSABLE FEET:	62
24-205-642-0011-00	1132 NORTH LN	COST PER FOOT:	\$32.00
@ 2224 DENMARK ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,984.00</u>
29	GORYL JOANNA ET AL	ASSESSABLE FEET:	35
24-205-642-0011-10	2146 MINER AVE	COST PER FOOT:	\$32.00
@ 2146 MINER AVE	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,120.00</u>

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

30	LAKESIDE BAPTIST CHURCH	ASSESSABLE FEET:	205.5
24-205-643-0012-00	2250 DENMARK ST	COST PER FOOT:	\$32.00
@ 2250 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$6,576.00

31	MUSKEGON PUBLIC SCHOOLS	ASSESSABLE FEET:	0
24-205-645-0001-00	BUNKER SCHOOL	COST PER FOOT:	\$32.00
@ 2312 DENMARK ST		ESTIMATED P.O. COST:	\$0.00

32	MITCHELL FREDDIE	ASSESSABLE FEET:	55
24-205-646-0011-00	2906 ROOSEVELT RD	COST PER FOOT:	\$32.00
@ 2362 DENMARK ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,760.00

33	BURDEN JACK L	ASSESSABLE FEET:	38.5
24-205-646-0011-10	130 N GREEN CREEK RD	COST PER FOOT:	\$32.00
@ 2372 DENMARK ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,232.00

34	RAMSEYER JEFFERY J	ASSESSABLE FEET:	63.7
24-205-647-0009-00	2083 SISSON ST	COST PER FOOT:	\$32.00
@ 2083 SISSON ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,038.40

SUM OF ASSESSABLE FOOTAGE:	<u>2015.41</u>	SUM OF ESTIMATED P.O. COST:	<u>\$64,493.12</u>
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TOTAL NUMBER OF ASSESSABLE PARCELS	33.00
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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: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

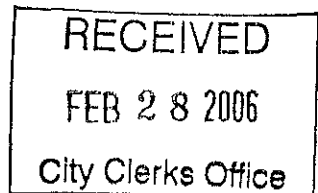
Property Address: 2165 DENMARK ST

Parcel Number 24-205-658-0001-20

Assessable Frontage: 54 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,728.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 N 50 FT OF S 200 FT OF E 146 1/3 FT LOT 1 BLK 658 TOGETHER WITH ALL PART VAC LEON ST LYING BTWN DENMARK AVE & N/S BNDRY LNS OF ABOVE DESC PARCEL IF SD LNS WERE EXTND E IN SAME GENERAL DIR TO WLY LN DENMARK AVE TOGETHE

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 RONALD P. LARSEN CoOwner/Spouse _____

Signature [Signature] Signature _____

Address 2165 DENMARK 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: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

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Assessment Information

Property Address: 2257 DENMARK ST

Parcel Number 24-205-656-0002-00

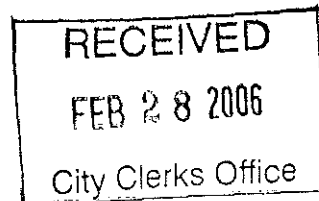
Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,112.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 656 LOT 2



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Lakeside Baptist Church

CoOwner/Spouse Scott Herbert (trustee)

Signature _____

Signature [Signature]

Address 2250 Denmark

Address _____

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

LA-2006-000000-000 10

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

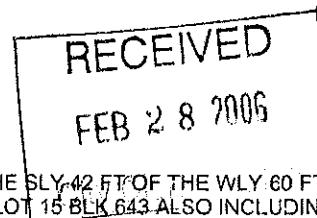
Property Address: 2250 DENMARK ST

Parcel Number 24-205-643-0012-00

Assessable Frontage: 205.5 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$6,576.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 THAT PT OF BLK 643 DESC AS BLK 643 THE SLY 42 FT OF THE WLY 60 FT LOT 11 ALSO ALL OF LOTS 12, 13, 14 AND 15 ALSO INCLUDING SWLY 14 FT OF NELY 39 FT OF LOT 15 BLK 643 ALSO INCLUDING WLY 91 FT OF ORIGINALLY PLATTED ALLEY

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Lakeside Baptist Church CoOwner/Spouse Scott Herbert (Trustee)

Signature _____ Signature [Signature]

Address 2250 Denmark St. Address _____

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

CAPITOL BUILDING

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 2187 LAKESHORE DR

Parcel Number 24-205-641-0005-00

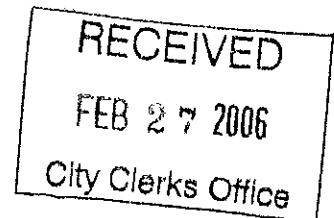
Assessable Frontage: 85 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,720.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 641 NW 85 FT LOT 5



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner DAVID C. SWANVAR CoOwner/Spouse _____

Signature *David C. Swanvar* Signature _____

Address 2187 LAKESHORE DRIVE 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: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 2205 LAKESHORE DR

Parcel Number 24-205-658-0001-00

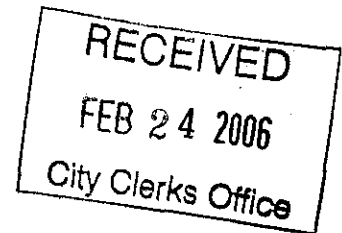
Assessable Frontage: 39.13 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,252.16

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 EXC. S 200 FT & EXC W 59 FT BLK 658



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 Irene Fricke

Signature _____

Signature Irene Fricke

Address _____

Address 2205 Lakeshore Dr.

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

PRO-1000

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2279 DENMARK ST

Parcel Number 24-205-656-0006-00

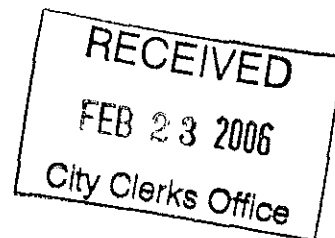
Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,112.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 656 NE 1/2 LOT 6



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Mark Snedeker

CoOwner/Spouse

Christine M. Bailey

Signature

[Signature]

Signature

[Signature]

Address

2279 Denmark St.

Address

2279 Denmark St.

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

RECEIVED MAY 12 2006
CITY CLERK'S OFFICE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

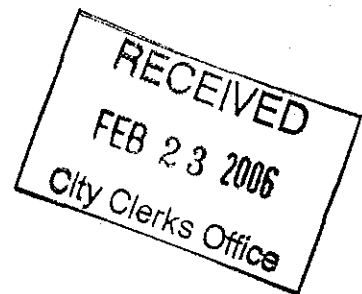
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To be sent by mail, simply fold on the dotted lines so the address on the reverse side is sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF

Property Information

Property Address: 2146 MINER AVE
Parcel Number 24-205-642-0011-10
Assessable Frontage: 35 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,120.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 642 S 70 FT LOT 11



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Joanna Gorgl

CoOwner/Spouse

Signature

Joanna Gorgl

Signature

Address

2146 Miner Ave.

Address

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

COPIED JOANNA GORG

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

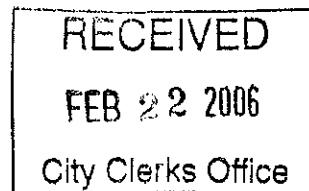
Property Address: 2160 CROZIER AVE

Parcel Number 24-205-654-0010-00

Assessable Frontage: 198 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$6,336.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF BLK 654 COM AT A PT ON S LINE BLK 122.1 FT E OF SW COR TH N 5 DEG 37 MIN W 48.48 FT TO S LINE OF ALLEY TH NELY TO NE COR LOT 15 TH SELY TO SE COR LOT 15 TH SWLY ON ARC OF 64 FT RADIUS TO N LINE CROZIER AVE EXT

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

David J. Sells

CoOwner/Spouse

Signature

David J. Sells

Signature

Address

2357 Denmark Ave

Address

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

Lakeshore United Methodist Church

21

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2341 DENMARK ST

Parcel Number 24-205-654-0001-00

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,112.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 654 LOT 1

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Matt Perdue

CoOwner/Spouse Heidi Perdue

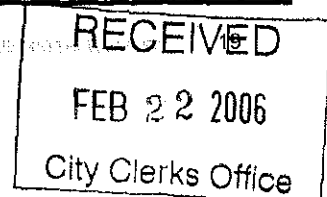
Signature [Signature]

Signature [Signature]

Address 2341 Denmark

Address 2341 Denmark

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: FEBRUARY 28, 2006

Project Title: DENMARK ST.,LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2357 DENMARK ST

Parcel Number 24-205-654-0002-00

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,112.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 2 BLK 654

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

Deen & Sells

CoOwner/Spouse

Signature

Deen & Sells

Signature

Address

2160 Crozier Ave.

Address

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

Lakeside Church Methodist Church

20

RECEIVED

FEB 22 2006

City Clerks Office

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2249 DENMARK ST

Parcel Number 24-205-656-0001-00

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,112.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 656 LOT 1

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Tracy Breen

CoOwner/Spouse

Angie Breen

Signature

Tracy Breen

Signature

Angie Breen

Address

2249 Denmark

Address

2249 Denmark St.

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

RECEIVED

FEB 22 2006

City Clerks Office

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2168 DENMARK ST

Parcel Number 24-205-641-0005-10

Assessable Frontage: 60 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,920.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 641 SE 60 FT OF NW 145 FT LOT 5 & JONES SUB DIV OF LOTS 3 & 4 BLK 641 NWLY 45 FT OF THE SELY 50 FT LOT 5

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Clemon Daniels

CoOwner/Spouse

None

Signature

Clemon Daniels

Signature

Address

2168 Denmark St

Address

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

RECEIVED

FEB 22 2006

City Clerks Office

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2203 DENMARK ST

Parcel Number 24-205-657-0001-00

Assessable Frontage: 49.5 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,584.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 657 N 99 FT LOT 1

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

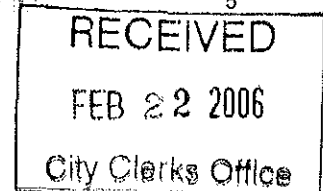
Owner Elsie Tuleja CoOwner/Spouse _____

Signature Elsie Tuleja Signature _____

Address 306 North Jackson Address _____

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

*Spring Lake, Mich.
49456*



SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2224 DENMARK ST

Parcel Number 24-205-642-0011-00

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,984.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 642 N 62 FT LOT 11

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Tim Hrynewich

CoOwner/Spouse

Signature

[Signature]

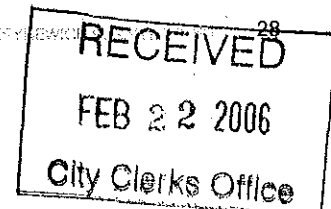
Signature

Address

1132 North Lane

Address

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



H-1613 DENMARK ST., CROZIER TO LAKESHORE DRIVE

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	<u>TOTAL NUMBER OF PARCELS - 33</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	2015.41 ***		21	2160	CROZIER	24-205-654-0010-00	198.00	2	2165	DENMARK	24-205-658-0001-20	54.00
			23	2168	DENMARK	24-205-641-0005-10	60.00	5	2203	DENMARK	24-205-657-0001-00	49.50
FRONT FEET OPPOSED	522.63	25.93%	30	2250	DENMARK	24-205-643-0012-00	205.50	28	2224	DENMARK	24-205-642-0011-00	62.00
			10	2257	DENMARK	24-205-656-0002-00	66.00	9	2249	DENMARK	24-205-656-0001-00	66.00
RESPONDING FRONT FEET IN FAVOR	595.50	29.55%	20	2357	DENMARK	24-205-654-0002-00	66.00	12	2279	DENMARK	24-205-656-0006-00	66.00
								19	2341	DENMARK	24-205-654-0001-00	66.00
NOT RESPONDING - FRONT FEET IN FAVOR	897.28	44.52%						22	2187	LAKESHORE	24-205-641-0005-00	85.00
								1	2205	LAKESHORE	24-205-658-0001-00	39.13
TOTAL FRONT FEET IN FAVOR	1492.78	74.07%						29	2146	MINER	24-205-642-0011-10	35.00

TOTALS

595.50

522.63

Date: February 28, 2006
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create a Special Assessment District for:
FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for **FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.**, 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. 2006-19(b)

Resolution At First Hearing Creating Special Assessment District
For **FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 28, 2006** 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 **February 28, 2006**, there were 22.11 % 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 Spataro and Wierengo
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 **11.15%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 28, 2006**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of
Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

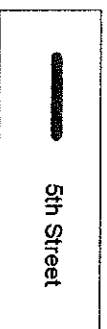
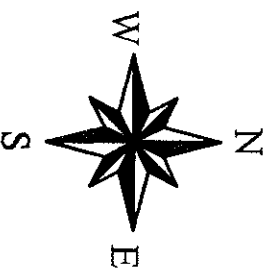
EXHIBIT A

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

5th Street - Western to Muskegon



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Fifth St., Muskegon Ave. to Western 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 17th DAY OF FEBRUARY, 2006.

Gail A. Kunderger
GAIL A. KUNDERGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF March, 2006.

Linda S. Potter
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:

DENMARK ST., LAKESHORE AVE. TO CROZIER AVE.
AND

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

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

All parcels abutting Denmark St., from Lakeshore Dr. to Crozier Ave.

And

All parcels abutting Fifth St. from Muskegon Ave. to Western 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 **FEBRUARY 28, 2006 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 18, 2006**

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

ENGINEERING FEASIBILITY STUDY

For

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

The reconstruction of Fifth St. between Muskegon Ave. & Western Ave., see attached exhibit for location, was initiated by the City to enhance the link between the downtown area and the adjacent neighborhood to the south of Muskegon Ave. in general and the conditions of the pavement, drainage facilities and other underground utilities (water & sewer) made this section of road a prime project. 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 replacement with a new asphalt street section that would include curb & gutter without any changes to the width.
2. Water & Sanitary Services replacement and upgrades where necessary.
3. Storm sewer replacement (drainage facilities)
4. Landscaping items/sidewalk modifications

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 \$300,000 with the length of the project being approximately 1000 lineal feet (project length) or 1,045' of assessable footage. This translates into an estimated improvement cost of \$188 per assessable foot. The assessment figure will be at a cost not to exceed \$32.00 per assessable foot as established in the 2006 Special Assessment Rates for this type of improvement

February 13, 2006

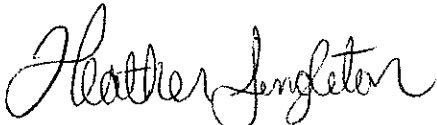
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Denmark Street between Lakeshore Avenue and Crozier 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 13, 2006.

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 of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$33.50. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

A handwritten signature in cursive script, reading "Heather M. Singleton".

Heather M. Singleton, CMAE 2

Appraiser

February 17, 2006

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 FEBRUARY 28, 2006. 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 17, 2006

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., MUSKEGON AVE. TO WESTERN AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Fifth St. from Muskegon Ave. to Western 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 FEBRUARY 28, 2006 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

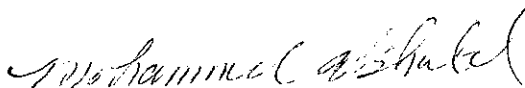
The total estimated cost of the street portion of the project is \$300,000.00 of which approximately 11.15% (\$33,440.00) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs 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 requested by property owners 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., MUSKEGON AVE. TO WESTERN AVE. H 1615
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 <u>all</u> 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.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 72 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,304.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 314 ALSO N 4 FT OF ADJ ALLEY

Your vote COUNTS!

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

I AM IN FAVOR ☐

I AM OPPOSED ☐

Owner _____

CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

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

OWNERS NAME

SPECIAL ASSESSMENT

H 1604

RECONSTRUCTION

HEARING DATE

FEBRUARY 28, 2006

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

1	CITY OF MUSKEGON	ASSESSABLE FEET:	72
24-205-314-0006-00	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 505 W WESTERN AVE MUSKEGON MI 49443		ESTIMATED P.O. COST:	\$2,304.00
2	CAUGHEY NATONIA G	ASSESSABLE FEET:	27
24-205-314-0007-00	1868 SPENCER DR	COST PER FOOT:	\$32.00
@ 1060 5TH ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$864.00
3	ELLIS SHIRLEY	ASSESSABLE FEET:	40
24-205-314-0007-10	640 LAKE FOREST LN APT 11	COST PER FOOT:	\$32.00
@ 1064 5TH ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,280.00
4	CITY OF MUSKEGON	ASSESSABLE FEET:	36.5
24-205-314-0007-20	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 470 W CLAY AVE MUSKEGON MI 49443		ESTIMATED P.O. COST:	\$1,168.00
5	BOOTH NEWSPAPER INC	ASSESSABLE FEET:	140
24-205-325-0001-00	981 THIRD ST	COST PER FOOT:	\$32.00
@ 445 W CLAY AVE MUSKEGON MI 49440		ESTIMATED P.O. COST:	\$4,480.00
6	LEBEDNICK PHILIP M	ASSESSABLE FEET:	70
24-205-325-0007-00	424 W WEBSTER AVE	COST PER FOOT:	\$32.00
@ 424 W WEBSTER AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$2,240.00
7	ROLEWICZ JONATHAN W/CARE	ASSESSABLE FEET:	66
24-205-336-0006-00	421 W WEBSTER AVE	COST PER FOOT:	\$32.00
@ 421 W WEBSTER AVE MUSKEGON MI 49440		ESTIMATED P.O. COST:	\$2,112.00

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

8	COTAL SULEYMAN	ASSESSABLE FEET:	66
24-205-336-0007-00	390 W MUSKEGON AVE	COST PER FOOT:	\$32.00
@ 390 W MUSKEGON A	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$2,112.00
9	BABBITT E C/P R TRUST	ASSESSABLE FEET:	70
24-205-315-0001-00	4473 CHERRYWOOD CT	COST PER FOOT:	\$32.00
@ 521 W WESTERN AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,240.00
10	ACHENBACH FREDRICK JR	ASSESSABLE FEET:	70
24-205-315-0012-00	1063 5TH ST	COST PER FOOT:	\$32.00
@ 1063 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,240.00
11	FIELDS BOBBIE ET AL	ASSESSABLE FEET:	35
24-205-315-0012-10	486 W CLAY AVE	COST PER FOOT:	\$32.00
@ 486 W CLAY AVE	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$1,120.00
12	SIERADZKI VICTOR J	ASSESSABLE FEET:	70.25
24-205-324-0001-00	487 W CLAY AVE	COST PER FOOT:	\$32.00
@ 487 W CLAY AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,248.00
13	FRAME WILLIAM D	ASSESSABLE FEET:	70.25
24-205-324-0012-00	446 W. WEBSTER AVE.	COST PER FOOT:	\$32.00
@ 446 W WEBSTER AVE	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$2,248.00
14	VANLUE GARY P/DEBBIE L	ASSESSABLE FEET:	71
24-205-337-0002-00	453 W WEBSTER AVE	COST PER FOOT:	\$32.00
@ 453 W WEBSTER AVE	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$2,272.00

FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

15	HANSON WENDY A	ASSESSABLE FEET:	61
24-205-337-0001-00	1135 5TH ST	COST PER FOOT:	\$32.00
@ 1135 5TH ST	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$1,952.00

16	HAWKINS DIANE K	ASSESSABLE FEET:	28
24-205-337-0012-00	1141 5TH ST	COST PER FOOT:	\$32.00
@ 1141 5TH ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$896.00

17	FLUKER ADA/WALTER	ASSESSABLE FEET:	52
24-205-337-0012-10	7736 PRARIE	COST PER FOOT:	\$32.00
@ 408 W MUSKEGON A	DETROIT MI 48210-000	ESTIMATED P.O. COST:	\$1,664.00

SUM OF ASSESSABLE FOOTAGE:	<u>1045.00</u>	SUM OF ESTIMATED P.O. COST:	<u>\$33,440.00</u>
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TOTAL NUMBER OF ASSESSABLE PARCELS	17.00
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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: FEBRUARY 28, 2006

Project Title: FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	1060 5TH ST
Parcel Number	24-205-314-0007-00
Assessable Frontage:	27 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$864.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 N 27 FT LOT 7 BLK 314

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

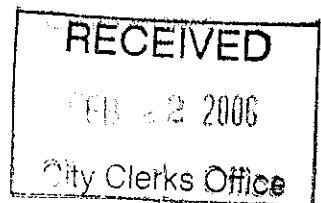


Owner NATONIA CAUGHEY CoOwner/Spouse _____

Signature Natonia Caughey Signature _____

Address 1868 Spencer Dr. 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: FEBRUARY 28, 2006

Project Title: FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION

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Assessment Information

Property Address: 521 W WESTERN AVE

Parcel Number 24-205-315-0001-00

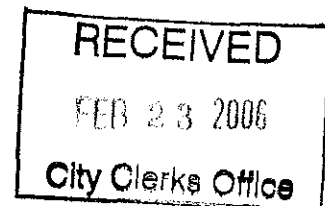
Assessable Frontage: 70 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,240.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 & NELY 1/2 LOT 2 BLK 315



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 PAM BABBITT

CoOwner/Spouse _____

Signature Pam Babbitt

Signature _____

Address 4473 Cherrywood Ct

Address _____

49441

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

BABBITT & COMPANY TAXIST

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

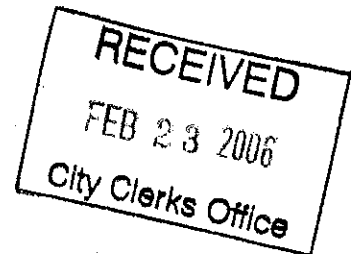
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Assessment Information

Property Address: 1063 5TH ST
Parcel Number 24-205-315-0012-00
Assessable Frontage: 70 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,240.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 NW 1/2 LOT 12 BLK 315



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 Fred Achenbach CoOwner/Spouse _____

Signature Fred Achenbach Signature _____

Address 1063 Fifth St. Address _____

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

ACHENBACH FREDERICK JR

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

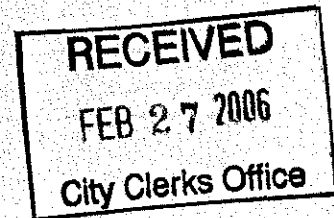
Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address:	1141 5TH ST
Parcel Number	24-205-337-0012-00
Assessable Frontage:	28 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$896.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 N 28 FT OF N 1/2 LOT 12 BLK 337

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 Diane K. Hawkins CoOwner/Spouse _____

Signature Diane K. Hawkins Signature _____

Address 1141 5th St. Address _____

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

HAWKINS DIANE K

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 28, 2006

Project Title: FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION

INSTRUCTIONS

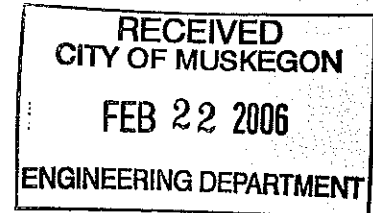
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: 1064 5TH ST
Parcel Number 24-205-314-0007-10
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,280.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 S 40 FT OF N 67 FT OF LOT 7 BLK 314



Your vote COUNTS!

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

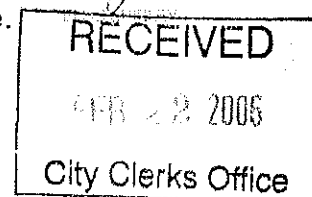
I AM IN FAVOR ☐

I AM OPPOSED ☒

Owner _____
Signature _____
Address _____

CoOwner/Spouse Shirley E. Ellis
Signature 640 Lake Forest Ln apt 11
Address Muskegon MI 49441

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



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 SULEYMAN COTAL CoOwner/Spouse

Signature *Suleyman Cotal* Signature

Address 390 W. MUSKOGEE Address

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

COTAL SULEYMAN

8

5th
Street

H-1615 FIFTH ST., MUSKEGON AVE. TO WESTERN AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 17									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1045.00 ***		9	521	WESTERN	24-205-315-0001-00	70.00	2	1060	FIFTH	24-205-314-0007-00	27.00
FRONT FEET OPPOSED	231 165.00	15.79% <i>22.11%</i>						10	1063	FIFTH	24-205-315-0012-00	70.00
RESPONDING FRONT FEET IN FAVOR	70.00	6.70%						3	1064	FIFTH	24-205-314-0007-10	40.00
NOT RESPONDING - FRONT FEET IN FAVOR	744.0 810.00	77.51% <i>71.19</i>						16	1141	FIFTH	24-205-337-0012-00	28.00
TOTAL FRONT FEET IN FAVOR	814 880.00	84.21% <i>77.89</i>										<i>66.00</i>
TOTALS							70.00					165.00

DATE: January 12, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050097

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **856 Fork – AREA 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050097– 856 Fork

Location and ownership: This structure is located on Fork between Amity and Allen and is owned by Tammie Robinson.

Staff Correspondence: A fire interior inspection was conducted 04/13/04. A dangerous building inspection was conducted on 03/28/05. The Notice and Order to Repair was issued on 04/15/05. A building permit was issued 04/22/04 was extended 06/13/05 and expired 11/03/05. Electrical permit issued 06/07/04, expired 09/08/05 with a rough-in approved but no final inspection scheduled. A progress inspection was conducted 09/08/05. On 08/04/05 the HBA declared the structure substandard and dangerous and a public nuisance. A letter was sent 11/18/05 requesting owner to complete repairs and schedule inspection by December 15, 2005.

Owner Contact: No one was present to represent case at the HBA meeting. The contractor, related to the owner did ask for an extension which was granted but no inspections have been scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$13,400

Estimated cost to repair: \$10,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 24, 2006.

CITY OF MUSKEGON
FIRE INSPECTION REPORT

856 Fork
(INTERIOR INSPECTION)
4/13/04

Inspection noted:

1. Complete rewire to 2003 Michigan Residential Code.
2. Smoke alarms to be installed to meet 2003 Michigan Residential Code.
3. Electric service to be replaced to meet 2003 Michigan Residential Code
4. CPVC pipe installed wrong and needs to be replaced.
5. Duct needs repair or replacement.
6. Water heater leaking/needs to be replaced.
7. Furnace needs to be certified safe by licensed contractor.
8. PVC waste and vent pipe needs to be replaced.
9. Seal smoke damage throughout.
10. Replace all damaged wall, ceiling, floor covering.
11. All handrail, guardrail to meet 2003 Michigan Residential Code.
12. Replace rotted floor joists, basement, severe damage to back of home.
13. Tuck point block – back porch stoop. It is pulling away from home, allowing water to enter home.
14. Strip – replace entire roof to 2003 Michigan Residential Code.
15. Rafter investigation required.
16. Replace damaged back landing.
17. Replace all damaged siding.
18. Scrape and paint all exposed wood on exterior – scrape & paint.
19. Replace broken out windows.
20. All work requires construction permits. These permits must be obtained prior to work beginning.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Friday, January 13, 2006

Enforcement # EN050097
Parcel #24-205-204-0008-00

Property Address 856 FORK ST
Owner ROBINSON TAMMIE

Inspector: Henry Faltinowski

Date completed: 03/28/2005

DEFICENCIES:

Uncorrected

1. All permits, building, electrical and plumbing have expired. No inspections have been performed.
2. Exterior of home deteriorating more as no work has started.
3. Interior inspection requested by trade inspectors to verify progress.

Progress Inspection Conducted 09/08/05

1. Still needs exterior repairs completed - roof, fascia, & soffitt.
2. In process of drywall.
3. Needs floor repair - joist repair.
4. Needs cabinets, finish flooring.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: February 6, 2006

RE: Ferry Terminal Funding

SUMMARY OF REQUEST:

To consider a request from Great Lakes Dock & Materials to fund Energy Code requirements at the Muskegon ferry terminal.

FINANCIAL IMPACT:

\$29,600.00

BUDGET ACTION REQUIRED:

The 2006 budget would have to be amended to accommodate this expense.

STAFF RECOMMENDATION:

To okay the request as it is not an obligation of the City.

COMMITTEE RECOMMENDATION:

The City Commission will consider this request at their Work Session on 2/13/06.

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

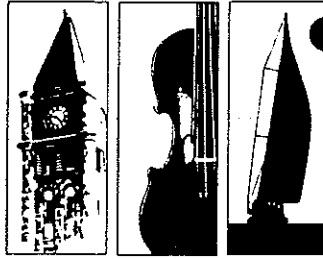
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

January 30, 2006

Mr. Joseph G. Bailey
Great Lakes Dock & Materials, LLC
1920 Lakeshore Drive
Muskegon MI 49441-1798

Dear Joe:

I am in receipt of your letter dated January 24, 2006 regarding payment for the energy management work for the ferry terminal. We had previously agreed that this work could be completed after the past ferry season.

My position has consistently been that the City had contracted with Great Lakes to construct the facilities for a specified amount of money and should not pay any additional money to complete the building. As you know, the City has already paid a significant additional amount over the originally agreed upon cost as requested by Great Lakes.

I have maintained previously that since Great Lakes contracted with Northshore Construction that they had a responsibility to produce a terminal that met the building code requirements. I understand that Great Lakes has been reluctant to pursue Northshore Construction on this matter. Perhaps it is time to do so.

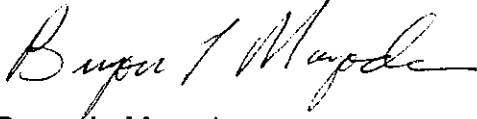
You should also consider the fact that Great Lakes is receiving considerably more in rents and fees from the ferry than the City and our funds are dedicated to repaying the capital costs expended to construct the ferry facilities in the first place. Therefore, it would seem that Great Lakes is in a better position to fund these improvements than the City.

Mr. Joseph G. Bailey
Page 2
January 30, 2006

Regardless of all the above, I plan to place your request on the City Commission's worksession agenda for consideration on February 13, 2006. That meeting is at 5:30 p.m. in the City Commission Chambers at City Hall. You or someone from Great Lakes should plan to attend this meeting.

Sincerely,

CITY OF MUSKEGON



Bryon L. Mazade
City Manager

BLM/pb

Cc: Mayor Warmington & City Commissioners (with enclosure)
George Bailey
John Bultema
Tim Paul (with enclosure)
Tony Kleibecker (with enclosure)
Mark Kincaid (with enclosure)
Don LaBrenz II (with enclosure)



GREAT LAKES DOCK & MATERIALS, L.L.C.

TOTAL MARINE SERVICES

559 E. Western Ave.
Muskegon, Michigan 49442
Telephone (231) 728-4172
Fax (231) 728-4173

RECEIVED

JAN 25 2006

MUSKEGON
CITY MANAGER'S OFFICE

January 24, 2006

City of Muskegon
933 Terrace St., P.O. Box 536
Muskegon, MI 49443-0536
Attn: City Manager

RE: City of Muskegon – Ferry Dock & Terminal
Certificate of Occupancy

Dear Mr. Mazade:

I am writing this letter in response to the City's Letter dated April 14, 2005. The Lake Express will soon be starting their third season and have still not obtained a final certificate of occupancy for the terminal building.

Two of the three outstanding issues identified in the City's Letter have been completed. Those issues are the final inspections for both the mechanical system and the electrical system. I have attached copies of both final inspections.

The last outstanding issue is for the building to comply with the provisions of the Michigan Energy Code. In order to meet the code, insulation and drywall must be installed. The plan is detailed in a letter from E3 Inovations dated May 25, 2004 and the approved revisions detailed in the City's April 14, 2005 Letter.

I have obtained two quotes to complete the insulation & drywall work per the above mentioned plans. Please find the attached quotes from Great Lakes Marina and Proline Construction, both are local contractors. The lower of the two quotes is for \$29,600.00.

The Energy Management has been an open issue for some time and was identified as such in GLD&M's June 21, 2004 Letter to the City (a copy of the letter is attached):

- a. Terminal Building HVAC System.
- b. Terminal Building Energy Management Issue.

Both of these items are outlined in the City of Muskegon's May 19, 2004 letter to Northshore Construction. At this point, these items are still outstanding and most likely will require additional funding to cure.

The HVAC system has been approved by the City and does not require any additional work or funding.

Great Lakes Dock & Materials, L.L.C. would like to formally request the \$29,600.00 in additional funding required to bring the ferry terminal building in compliance with the Michigan Energy Code and receive a final certificate of occupancy.

Please contact me if you have any questions.



GREAT LAKES DOCK & MATERIALS, L.L.C.

TOTAL MARINE SERVICES

559 E. Western Ave.
Muskegon, Michigan 49442
Telephone (231) 728-4172
Fax (231) 728-4173

Sincerely,

Joseph G. Bailey
Great Lakes Dock & Materials, LLC
1920 Lakeshore Drive
Muskegon, MI 49441-1798

JGB/jgb

Attachments:

Copy of City of Muskegon's Letter Dated April 14, 2005
Copy of Final Electrical Inspection
Copy of Final Mechanical Inspection
Estimate from Proline Construction
Estimate from Great Lakes Marina
Copy of GLD&M's June 21, 2004 Letter to City

AGENDA ITEM NO. _____

CITY COMMISSION MEETING February 28, 2006

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: February 15, 2006

RE: 2006 – 2007 City Commission Goals

SUMMARY OF REQUEST:

To adopt the 2006 - 2007 City Commission goals.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached Vision, Value and Mission statements and the 2006 – 2007 goals.

COMMITTEE RECOMMENDATION:

The City Commission determined these goals at their annual goal setting session on February 3, 2006.

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.**

Goals/Projects 2006

1. Regional Cooperation
2. Relationship with Mart Dock
3. Blight Fight
4. Eliminate one way streets in City
5. Development of Terrace Street lots
6. Youth Recreation
7. Mall Property
8. Edison Landing
9. Marketing / Public Relations
10. City Hall customer service
11. Trails
12. Millage for streets

MUSKEGON CITY COMMISSION GOALS

2006-2007

REGIONAL COOPERATION (23) – Consider ways to cooperate with other local governments, including functional consolidation, to provide the most cost-effective municipal services.

ESTABLISH BETTER RELATIONS WITH THE MART DOCK (Downtown Property) (22) – Work to improve the relationship between the City and the owner of the Mart Dock property in an attempt to assist them with the redevelopment of their properties.

BLIGHT FIGHT (21) – A coordinated effort of several City departments to address blighting influences throughout the City and in targeted areas.

ELIMINATION OF ONE-WAY STREETS (20) – Change certain one-way streets, especially Muskegon and Webster, Peck and Sanford and First and Second Streets, to two-way streets.

REDEVELOP TERRACE STREET LOTS (16) – Consider opportunities to redevelop this property, includes constructing a new central fire station and the possibility of relocating the farmer's market to this site. The current farmer's market site would be considered for single family houses.

YOUTH RECREATION FACILITIES (13) – Consider constructing new facilities and renovating existing recreational facilities in order to enhance youth recreation opportunities. These facilities include Joe Clifford Park expansion, Consumers Energy sports complex and improvements at Smith-Ryerson Playfield.

REDEVELOPMENT OF FORMER MALL PROPERTY (12) – Work with the DMDC in the redevelopment of the property by assisting with the design and construction of the infrastructure, financing the infrastructure through grants and tax increment financing and by providing planning and building reviews and inspections.

MARKETING/PUBLIC RELATIONS (9½) – Consider the possibility of funding a position or contracting for marketing and public relations services to better communicate the virtues of the City and enhance the image of the City.

DEVELOPMENT OF EDISON LANDING (7½) – Pursue avenues to get development to occur on this site. The City should also assist in marketing the site as a key waterfront development opportunity.

RECREATIONAL TRAIL EXPANSION (1) - To continue the expansion of the City's trail system, especially linking it to the Musketawa trail system.

MAINTAIN A CUSTOMER-FRIENDLY CITY GOVERNMENT (1) – A continuous effort to improve ease of access to City services and programs for individuals and businesses.

MILLAGE FOR STREETS (1) – Consider levying a millage to re-surface and re-construct City streets.

Note: The above is a description of the City Commission goals and is arranged in order of priority. There were other goals identified that did not rate as priorities.

Date: February 28, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: MERS Uniform Resolution for Service Credit Purchase

SUMMARY OF REQUEST: The city has previously approved the transfer of all non-union employees to the statewide MERS retirement system. The attached resolution is a follow-up action and permits employees in the MERS system to purchase up to five years of generic service. Employees wishing to buy service are required to pay 100% of the actuarial cost as determined by MERS.

FINANCIAL IMPACT: The employee is required to pay 100% of the actuarially determined cost.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.



UNIFORM RESOLUTION FOR MERS SERVICE CREDIT PURCHASES

WHEREAS, the CITY OF MUSKOGEE, is a participating entity (municipality or court) in the Municipal Employees' Retirement System of Michigan ("MERS"), for the benefit of and employees and retirees covered under the plan; and

WHEREAS, MERS is a governmental pension plan that has been determined by the Internal Revenue Service to be a tax-qualified trust under Internal Revenue Code section 401(a), and tax-exempt under Code section 501(a) (IRS Letter of Favorable Determination issued June 15, 2005); and

WHEREAS, under its tax-qualified status, MERS must administer the Plan Document according to its terms and consistent with applicable provisions of the Internal Revenue Code; and

WHEREAS, Plan Document Section 6 sets out the conditions for purchase of service credit for qualifying service in the employ of the United States government, a state, or a political subdivision of a state, and Plan Section 7 sets out the conditions for purchase of the Internal Revenue Code maximum of five (5) years of generic service; and

WHEREAS, as part of the process through which the governing body acts to approve such service purchases by resolution, Sections 6(1)(a) and 7(1)(a) specify that

The resolution of the governing body or the administrative order of the chief judge shall be made or issued pursuant to a previously adopted written policy which provides for uniform applicability of the provisions of this section to all members employed by the participating municipality or participating court who are covered by the same benefit program coverage classification," and

NOW, THEREFORE, BE IT RESOLVED, that the governing body establishes the following conditions for purchase of qualifying service under:

- Plan Section 6 governmental service YES _____ NO ✓
- Plan Section 7 generic service YES ✓ NO _____

1. Employees may purchase such service under the terms and conditions set out in Plan Section 7, with such service not being credited until the employee satisfies the vesting requirement in effect, and such service cannot be used for satisfying the minimum vesting requirement in the event of termination of MERS membership.

2. Employees must pay 100 % of the actuarial cost (the difference between the actuarial present value of potential benefits after crediting the specified amount of credited service and the actuarial present value of potential benefits prior to crediting the specified amount of credited service).

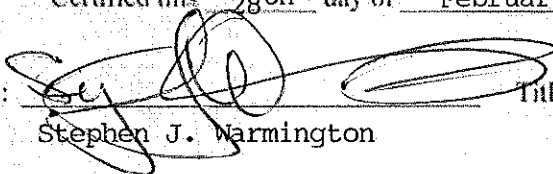
3. All terms and conditions contained in the MERS Estimated Actuarial Cost of Additional Credited Service form (two pages) under which any purchase of such service occurs under this Resolution shall fully apply to the approval and purchase of service, including the following Retirement Board assumption stated on page 2:

1. Member will retire at the earliest date for unreduced benefits. If member will terminate employment before eligibility for unreduced benefits and MERS was not notified at time of calculation, the employer understands that they may be incurring an additional liability.

BE IT FURTHER RESOLVED and directed that a certified copy of this Resolution be sent to MERS.

Certified this 28th day of February, 2006.

By:


Stephen J. Warmington

Title:

Mayor

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 28, 2006. 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, MMC
City Clerk

Date: February 28, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Defined Contribution Retirement Plan for New Hires (Clerical)

SUMMARY OF REQUEST: The city commission has previously approved a contract with the clerical union that includes provision for new hires to be members of a defined contribution retirement program in lieu of membership in the defined benefit General Employees' retirement system. The new Clerical DC plan calls for a city contribution of 3%/6% and an employee contribution of 0%/3% of wages. Present employees may also join the DC plan on an elective basis during a window period.

Approval of the attached resolutions and ordinance amendments is the final step in putting in place the mechanics of these new programs.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the city's annual pension costs. We are negotiating similar arrangements for other employee groups. At this time, new employees in the Fire, Non-Union and Clerical groups are covered by a defined contribution arrangement. The status of this issue with the other employee groups is as follows: Police Patrol (in arbitration); 517M-DPW (in fact-finding); Police Command (to be negotiated).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: None

RESOLUTION # 2006-21 (c)

**RESOLUTION TO ADOPT MERS DEFINED CONTRIBUTION PLAN
FOR UNION CLERICAL EMPLOYEES**

WHEREAS, it has been discussed and negotiated with the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Union") that a defined contribution money purchase plan should be adopted for the union members in lieu of continuing the Defined Benefit Plan for new hires effective January 1, 2006; and,

WHEREAS, it has further been discussed and negotiated that current union members will be given a one time, irrevocable opportunity to convert the greater of their employee contributions, and the present value of their accrued benefit, disregarding vesting, in the City's Defined Benefit Plan, and transfer the corresponding lump sum dollar present value to the defined contribution plan to the credit of the transferring member by January 1, 2006, and

WHEREAS, the City desires to adopt the defined contribution money purchase plan through MERS (with ICMA being the current Third Party Administrator administering the plan);

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it in the best interest of the City and the Union to adopt a defined contribution money purchase retirement plan ("Plan") in the form of the MERS and ICMA documents, effective January 1, 2006. The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries, those eligible employees being members of the Union.

Relevant provisions related to the plan are as follows:

All Union employees hired on and after January 1, 2006 are mandatory participants in the Plan.

The City will contribute 3% of the eligible participant's Medicare taxable W-2 compensation each year.

In addition, when a participant first becomes eligible to participate in the plan, the employee must elect whether or not to contribute 3% of his or her Medicare taxable W-2 compensation. If the employee elects to contribute 3% of his or her compensation, the City will match that 3% contribution, dollar for dollar.

Employees will become vested in the City's 3% or 6% annual Plan contributions under a five-year graded vesting schedule with credit given for all years of service since hire with the City, i.e.,

<u>Full Years of Service</u>	<u>Vesting Percentage</u>
< 1 year	0%
1 year	20%
2 years	40%
3 years	60%

4 years	80%
5 years	100%

Additional relevant provisions related to the plan and transfers to the plan are as follows:

Existing Union employees may make a one time, irrevocable, election to transfer the greater of the employee's contributions to the City of Muskegon's Defined Benefit Plan, and the lump sum dollar present value, disregarding vesting, of the individual's accrued benefit in the City of Muskegon's Defined Benefit Plan (accrued benefit disregarding vesting) payable at their normal retirement date as a life annuity, to the Plan prior to May 31, 2006. If the defined benefit plan participant is eligible to receive an immediate benefit, the transfer will be based upon the present value of the individual's accrued benefit payable immediately as a life annuity.

Defined benefit plan participants shall have until April 30, 2006 to elect, in writing, to transfer. Failure to elect to transfer to the Plan constitutes a refusal to transfer. Upon an election to transfer to the Plan, that employee's participation in the defined benefit plan terminates effective May 31, 2006. Assets shall be transferred as soon as possible with values, specified above, as of May 31, 2006. Contributions will commence in the Plan with the pay period commencing May 21, 2006 with the first contribution occurring in June, 2006. The Finance Director will work with MERS to develop any additional, detailed procedures and deadline dates for the transfer to the Plan.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the MERS Revised Uniform Defined Contribution Program Resolution and the MERS Uniform Defined Contribution Program Adoption Agreement, copies of which are attached to this resolution along with the approved Declaration of Trust.

BE IT FURTHER RESOLVED that the City has investment direction under the Plan only for unvested employer contributions; each individual participant personally directs the investment for his/her account balance, including all employer contributions, which vest in the participant under the employer vesting schedule

Adopted this 28 day of February, 2006.

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

Nays: None

Absent: None

By:


Stephen L. Warmington, Mayor

Attest:


Gail A. Kundergei, MMC, City Clerk

CERTIFICATION
(Adoption of defined contribution plan for union firefighters)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on February 28, 2006.



Gail A. Kunding, MMC
Clerk, City of Muskegon

MERS REVISED UNIFORM DEFINED CONTRIBUTION PROGRAM RESOLUTION

WHEREAS, the MERS Plan Document of 1996, effective October 1, 1996, authorized a defined contribution option (Section 19A, Benefit Program DC) as a new benefit program that a participating municipality or court may adopt for MERS members to be administered under the discretion of the Municipal Employees' Retirement Board as trustee and fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed third-party administrator.

WHEREAS, as a new provision, Section 19A, along with the remainder of the Plan, received from the Internal Revenue Service a Letter of Favorable Determination (dated July 8, 1997) that the Plan is a qualified Plan under Section 401 of the Internal Revenue Code, and an exempt trust under Section 501.

WHEREAS, on May 5, 1997, the Municipal Employees' Retirement Board entered into an Alliance Agreement with ICMA-RC (the International City Management Association Retirement Corporation) as third-party administrator for the defined contribution plans under Plan Document Section 19A.

WHEREAS, on November 14, 2001, following MERS' due diligence search and review, the Retirement Board and ICMA-RC entered into the Amended and Restated Alliance Agreement (the "2001 Alliance Agreement") (Attachment 1) for third-party administrator services. Participating employees of MERS' municipalities and courts adopting Benefit Program DC receive enhanced services and favorable decreased participant fees under the 2001 Agreement. Additionally, such services and fees shall also be available where the participating municipality or court adopting Benefit Program DC has in effect (or subsequently establishes) an IRC section 457 deferred compensation plan or section 401(k) plan. Approval of this Revised Uniform Resolution by each MERS participating municipality and court which adopts or has adopted MERS Benefit Program DC is necessary and required in order that the benefits available under the 2001 Alliance Agreement may be extended to covered participants.

WHEREAS, this Revised Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Retirement Board "shall determine . . . and establish" all provisions of the retirement system. Under this authority, the Board authorized Section 19A, the Defined Contribution Benefit Program, which shall not be implemented unless in strict compliance with the terms and conditions of this Revised Resolution.

- It is expressly agreed and understood as an integral and nonseverable part of this Revised Resolution that Section 43B of the Plan Document shall not apply to this Revised Uniform Resolution and its administration or interpretation.
- In the event any alteration of the terms or conditions stated in this Revised Uniform Resolution is made or occurs, under Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Defined Contribution Benefit

Program; to authorize the transfer of any defined benefit assets to the Defined Contribution Benefit Program; or to continue administration by the third-party administrator or by MERS directly.

WHEREAS, concurrent with this Revised Resolution, and as a continuing obligation, this governing body has completed and approved, and submitted to MERS documents necessary for adoption and implementation of the MERS Benefit Program DC. This obligation applies to any documents deemed necessary to the operation of the defined contribution program by MERS' third-party administrator.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) MERS Benefit Program Defined Contribution as provided below.

I. NEW EMPLOYEES

Effective January 1, 2005, (to be known as the ADOPTION DATE), the City of Muskegon hereby adopts Benefit Program

(MERS municipality/court)

DC (as set forth in the MERS Uniform Defined Contribution Program Adoption Agreement) for Members of Public Employees of Southwestern Clerical & Technical Unit (specify employees/division #s) **first hired on and after the Adoption Date**, and optional participation for any employee or officer of this municipality otherwise eligible to participate in MERS under Sections 2B(3)(a) and 3(3) of the Plan Document who has previously elected to not participate in MERS. **ONLY THOSE EMPLOYEES ELIGIBLE FOR MERS MEMBERSHIP (SECTIONS 2B(3) AND 3 OF THE PLAN DOCUMENT) SHALL BE ELIGIBLE TO PARTICIPATE.**

(A) **CONTRIBUTIONS** shall be as allowed and specified in the Adoption Agreement (Attachment 2, completed and approved and a certified copy submitted to MERS concurrent with and incorporated by reference in this Resolution) **subject to the provisions of MERS Plan Document:** Section 19A(2) that employer contributions shall be in any percentage of compensation from 1% to the maximum allowed by the Internal Revenue Code, in increments of 0.1%; and Section 19A(3), under which an employee member may voluntarily contribute additional amounts to the extent allowed by the Code.

(B) **EARNINGS** under the Adoption Agreement shall include items of "Compensation" under Section 2A(6) of the MERS Plan Document, being the Medicare taxable wages reported on the member's W-2 statement.

(C) **VESTING** shall be as allowed and specified under:

- (1) Plan Section 19A(12), whose text is set out in Section II(G) of this Revised Resolution; and
- (2) the Adoption Agreement.

STOP

If covering new employees only, skip II and go to III on page 5.

STOP

II. OPTIONAL PROVISION FOR CURRENT MERS MEMBERS WHERE DC PROGRAM FOR NEW EMPLOYEES ESTABLISHED (PLAN SECTION 19A(8)-(11))

THIS OPTIONAL PROVISION SHALL ONLY BE SELECTED WHERE THE TOTAL FUNDED PERCENT OF AGGREGATE ACCRUED LIABILITIES AND VALUATION ASSETS OF ALL RESERVES SPECIFIED IN TABLE 11 (OR SUCCESSOR TABLE) OF THE MOST RECENT MERS ANNUAL ACTUARIAL VALUATION REPORT IS AT LEAST SIXTY PERCENT (60%).

IT IS ADDITIONALLY RESOLVED, as provided in each of the following paragraphs:

- (A) Effective on the Adoption Date, pursuant to Plan Section 19A(8)(b) all current MERS defined benefit members who are members of the same employee classification described in Section I above on the Adoption Date shall:

**THE GOVERNING BODY SHALL
SELECT ONLY ONE OF THE FOLLOWING**

- _____ where vested under this municipality's MERS vesting program (10, 8, or 6 years)
- _____ where the employee has at least the following number of years of credited service for this municipality on Adoption Date: _____ (insert whole number less than vesting program)
- _____ without regard to vesting

be offered the opportunity to irrevocably elect coverage under Benefit Program DC, under the detailed procedures specified in Plan Section 19A(9)-(11).

- (B) For each eligible employee, an opportunity to irrevocably elect to participate in Benefit Program DC shall be offered. Section 19A(9) specifies an employee's written election to participate shall be filed with MERS: (a) not earlier than the last day of the third month after this Resolution is adopted and received by MERS; and (b) not later than the first day of the first calendar month that is at least six months after MERS receives this Resolution. This means each eligible employee will have about 90 days to make the decision.

After MERS receives this Resolution, this governing body's authorized official and eligible employees will be advised by MERS of the election window timelines and other information to consider in making the irrevocable decision whether to participate in Benefit Program DC.

- (C) Participation for those electing coverage shall be effective the first day of the first calendar month at least seven (7) months after MERS' receipt of the Resolution, here designated as being the month of _____, 20____, (insert month and year) which shall be known as the "CONVERSION DATE."

- (D) The opportunity for current employees on the **Adoption Date** to participate in the DC Program shall:

**THE GOVERNING BODY SHALL
SELECT ONLY ONE OF THE FOLLOWING**

- _____ apply to all employees who separate from or terminate employment with this municipality after the Adoption Date and before the Conversion Date, so long as the employee does not receive a retirement allowance from MERS based on service for this municipality.
- _____ not apply to any employee who separates from or terminates employment with this municipality after the Adoption Date.

(E) **CONTRIBUTIONS** shall be as provided in Section I (A) above.

(F) **EARNINGS** shall be as provided in Section I (B) above.

(G) **VESTING** shall be as provided in Section I (C) above, and participants shall be credited, on participant written request and MERS' verification of such service, with all eligible service, if any, specified in Plan Section 19A(12) which states:

Where a member has previously acquired in the employ of any participating municipality or participating court:

- (a) not less than 1 year of defined benefit service in force with a participating municipality or participating court;
- (b) eligible credited service where the participating municipality or participating court has adopted the Reciprocal Retirement Act, 1961 PA 88;
- (c) at least 12 months in which employer contributions by a participating municipality or participating court have been made on behalf of the member under Benefit Program DC,

such service shall on the member's written request to the employer and MERS' verification of such service be applied toward satisfying the vesting schedule for employer contributions. This requirement shall apply to all adoptions of Benefit Program DC on and after October 1, 2000; where previously adopted, the participating municipality or participating court may adopt this subsection (12) with full effectiveness as of the original defined contribution adoption date for the employer division involved.

(H) For each employee irrevocably electing to participate in Benefit Program DC, then under Plan Section 19A(11), MERS shall transfer to the member's credit (as adjusted through MERS' records to the **Conversion Date**) the greater of:

- (1) The member's accumulated contributions; or
- (2) The actuarial present value (as determined in Paragraph (I) below).

The transfer shall be made approximately 30 calendar days after the **Conversion Date**, and the transfer amount shall include pro-rated regular interest at the regular Board-established

rate of (currently four percent (4%)) measured from the Conversion Date to the actual transfer date.

(I) Per Plan Section 19A(11)(b), the Retirement Board has established the assumptions for calculation of the actuarial present value of a member's accrued benefit that may be transferred. The assumptions are:

- (1) The interest rate in effect as of the Adoption Date, to determine actuarial present value, shall be the Board-established investment earnings rate assumption (currently eight percent (8.00%)).
- (2) The funded level for the member's specific MERS division (total funded percentage of the present value of accrued benefits and valuation assets of all reserves) as of the Adoption Date from the most recent MERS annual actuarial valuation report data provided by MERS' actuary. In the APV calculation, the funded level used shall be:

**THE GOVERNING BODY SHALL
SELECT ONLY ONE OF THE FOLLOWING**

_____ Funded level for the division (not to exceed 100% funded level).

_____ If greater than the division's funded level but not more than 100% funded level, then MERS is directed to compute the funded percentage for the transfer calculation on _____% funded basis (insert number not less than funded level percentage and not more than 100%). Where less than 100% funded level exists, this governing body recognizes that such direction shall increase its pension funding liability. MERS shall not implement such direction unless the governing body forwards to MERS sufficient cash up to the funded level selected for all members prior to the Conversion Date; if sufficient cash is not forwarded, then the governing body expressly covenants with MERS and directs, as a condition of this selection, to MERS billing and the governing body remitting to MERS all contributions necessary to fund the unfunded liability occasioned by the aggregate transfer of the difference between the actual funded level for the division and funded level directed above over a period of four (4) years.

**III. IMPLEMENTATION DIRECTIONS FOR MERS BENEFIT PROGRAM DC
THIRD-PARTY ADMINISTRATOR.**

- (A) The governing body of this MERS participating municipality or court as Employer desires that MERS Benefit Program DC be administered by MERS' duly-designated third-party administrator and that some or all of the funds held under such plan be invested in the TPA's retirement trust established for the collective investment of funds held under the Employer's retirement, defined contribution, and deferred compensation plans.
- (B) The Employer hereby establishes MERS Benefit Program Defined Contribution as authorized by Section 19A of the Municipal Employees' Retirement System of Michigan Plan Document, in the form of the third-party administrator's IRS-qualified retirement trust.

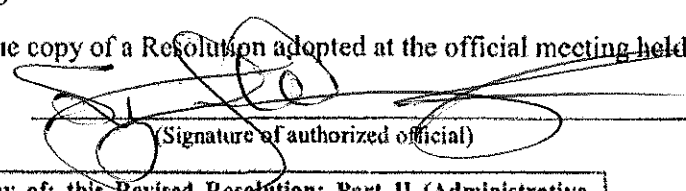
- (C) The Declaration of Trust (Attachment 2, Appendix A, approved and adopted concurrent with and incorporated by reference in this Resolution) is operative and applies with respect to any MERS Benefit Program DC plan or deferred compensation plan previously or subsequently established by the Employer, if the assets are to be invested in the third-party administrator's retirement trust.
- (D) Finance Director (use title of official, not name) shall be the Employer's MERS Benefit Program Defined Contribution Plan coordinator; shall receive necessary reports, notices, etc., from the third-party administrator or its retirement trust; shall cast, on behalf of the Employer, any required votes under the retirement trust; may delegate any administrative duties relating to the defined contribution plan to appropriate departments.
- (E) The Municipal Employees' Retirement Board retains full and unrestricted authority over the administration of MERS Benefit Program Defined Contribution, including but not limited to the appointment and termination of the third-party administrator, or MERS' self-administration of the defined contribution program in whole or in part.

IV. EFFECTIVENESS OF THIS REVISED RESOLUTION

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the MERS Plan Document until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under Plan Document Section 19A, the 2001 Alliance Agreement, the Adoption Agreement, and this Resolution have been met. All dates for implementation of Benefit Program DC under Section 19A shall be determined by MERS from the date of filing with MERS of this Revised Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer's defined contribution plan coordinator identified in Section III (D) above.

In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the third-party administrator if necessary). Section 54 of the Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Revised Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

I hereby certify that the above is a true copy of a Resolution adopted at the official meeting held on February 28, 2006.


(Signature of authorized official)

Please send MERS fully executed copy of: this Revised Resolution; Part II (Administrative Services Agreement) of the 2001 Alliance Agreement; Adoption Agreement with Declaration of Trust and certified minutes stating governing body approval, and/or union contract language.

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 2006

(Authorized MERS signatory)

Att.

MERS UNIFORM DEFINED CONTRIBUTION PROGRAM ADOPTION AGREEMENT

The Employer, a participating municipality or participating court within the State of Michigan that has adopted MERS coverage, hereby establishes a Section 19A, Benefit Program DC to be known as Union Clerical DC Retirement Plan

(the "MERS Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust and attached Declaration of Trust of VantageTrust, as amended and as authorized by Section 19A of the Municipal Employees' Retirement System of Michigan Plan Document.

I. EMPLOYER: City of Muskegon
(Name of municipality or court)

II. The Effective Date of the Benefit Program DC shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: January 1, 2006.

III. Normal Retirement Age shall be age 55 (not to exceed age 65).

IV. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Program:

Members of Public Employees of Southwestern Michigan Clerical and Technical Unit
(Specify employee classification and division numbers)

2. Only those Employees eligible for MERS Membership (Section 3 of the MERS Plan) shall be eligible to participate. (A copy of ALL employee enrollment forms must be submitted to MERS as well as ICMA.)

V. CONTRIBUTION PROVISIONS

1. The Employer shall contribute on behalf of each Participant 3 % of Earnings or 6% of earnings for the Plan Year (subject to the limitations of sections 415(c) and (e) of the Internal Revenue Code). Each Participant is required to contribute 3 % of Earnings for the Plan Year to receive 6% from the Employer. The Participant must elect to contribute 3% when first eligible to participate and the election is irrevocable. (Write "0" if no contribution is required.)

If Employee contributions are required, an Employee shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to "pick up" the Mandatory/Required Employee contribution. (Allows employee contributions to be made on a pre-tax basis)

☒ Yes

☐ No

[Note to Employer: Picked up contributions are excludable from the Employee's gross income under Section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as Employee contributions, are being paid by the Employer in lieu of contributions by the Employee; and (2) the Employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the Plan.

Neither an advisory opinion letter issued by the Internal Revenue Service with respect to the MERS Plan, nor a determination letter issued to an adopting Employer, is a ruling by the Internal Revenue Service that Employee contributions that are picked up by the Employer are not includible in the Employee's gross income for federal income tax purposes. The Employer may seek such a ruling.]

2. Each Employee may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Sections 415(c) and (e) of the Internal Revenue Code.

3. Employer contributions and Employee contributions shall be contributed to the Trust in accordance with the following payment schedule:

Bi-weekly

VI. EARNINGS

Earnings shall be the Medicare taxable wages reported on the Employee's W-2 statement.

VII. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule:

***** **SEE NEXT PAGE** *****

<u>Years of Service Completed</u>	<u>Specified Vesting Requirements</u>
Zero	<u>0</u> %
One	<u>20</u> %
Two	<u>40</u> %
Three	<u>60</u> %
Four	<u>80</u> %
Five	<u>100</u> %
Six	<u> </u> %
Seven or more	<u>100</u> %

VIII. Loans are permitted under the Program:

☐ Yes ☐ No

IX. The Plan will accept an eligible rollover distribution from an eligible retirement plan described in Section 401(a)(including "401(k)") or 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, or an individual retirement account or annuity described in Section 408(a) or 408(b) of the Code, including after-tax employee contributions, as applicable.

☒ Yes ☐ No

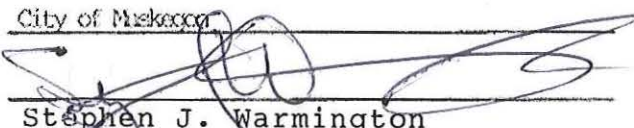
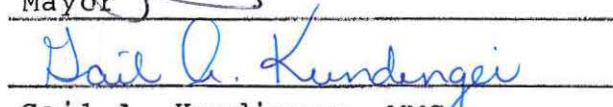
X. The Employer hereby agrees to the provisions of the MERS Uniform Defined Contribution Program and agrees that in the event of any conflict between Section 19A and the MERS Plan, the provisions of Section 19A shall control.

XI. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the Plan.

The Employer hereby agrees to the provisions of the Plan.

XII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in the ineligibility of the Plan in the Benefit Program DC.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this
28 day of February, 2006.

Employer: City of Mukwonago
By: 
Title: Stephen J. Warmington
Mayor
Attest: 
Gail A. Kunderger, MMC
City Clerk

Appendix A

DECLARATION OF TRUST

This Declaration of Trust (the "Group Trust Agreement") is made as of the 19th day of May 2001, by VantageTrust Company, which declares itself to be the sole Trustee of the trust hereby created.

WHEREAS, the ICMA Retirement Trust was created as a vehicle for the commingling of the assets of governmental plans and governmental units described in Section 818(a)(6) of the Internal Revenue Code of 1986, as amended, pursuant to a Declaration of Trust dated October 4, 1982, as subsequently amended, a copy of which is attached hereto and incorporated by reference as set out below (the "ICMA Declaration"); and

WHEREAS, the trust created hereunder (the "Group Trust") is intended to meet the requirements of Revenue Ruling 81-100, 1981-1 C.B. 326, and is established as a common trust fund within the meaning of Section 391.1 of Title 35 of the New Hampshire Revised Statutes Annotated, to accept and hold for investment purposes the assets of the Deferred Compensation and Qualified Plans held by and through the ICMA Retirement Trust.

NOW, THEREFORE, the Group Trust is created by the execution of this Declaration of Trust by the Trustee and is established with respect to each Deferred Compensation and Qualified Plan by the transfer to the Trustee of such Plan's assets in the ICMA Retirement Trust, by the Trustees thereof, in accord with the following provisions:

1. **Incorporation of ICMA Declaration by Reference; ICMA By-Laws.** Except as otherwise provided in this Group Trust Agreement, and to the extent not inconsistent herewith, all provisions of the ICMA Declaration are incorporated herein by reference and made a part hereof, to be read by substituting the Group Trust for the Retirement Trust and the Trustee for the Board of Trustees referenced therein. In this respect, unless the context clearly indicates otherwise, all capitalized terms used herein and defined in the ICMA Declaration have the meanings assigned to them in the ICMA Declaration. In addition, the By-Laws of the ICMA Retirement Trust, as the same may be amended from time-to-time, are adopted as the By-Laws of the Group Trust to the extent not inconsistent with the terms of this Group Trust Agreement.

Notwithstanding the foregoing, the terms of the ICMA Declaration and By-Laws are further modified with respect to the Group Trust created hereunder, as follows:

- (a) any reporting, distribution, or other obligation of the Group Trust vis-à-vis any Deferred Compensation Plan, Qualified Plan, Public Employer, Public Employer Trustee, or Employer Trust shall be deemed satisfied to the extent that such

obligation is undertaken by the ICMA Retirement Trust (in which case the obligation of the Group Trust shall run to the ICMA Retirement Trust); and

- (b) all provisions dealing with the number, qualification, election, term and nomination of Trustees shall not apply, and all other provisions relating to trustees (including, but not limited to, resignation and removal) shall be interpreted in a manner consistent with the appointment of a single corporate trustee.

2. **Compliance with Revenue Procedure 81-100.** The requirements of Revenue Procedure 81-100 are applicable to the Group Trust as follows:

- (a) Pursuant to the terms of this Group Trust Agreement and Article X of the By-Laws, investment in the Group Trust is limited to assets of Deferred Compensation and Qualified Plans, investing through the ICMA Retirement Trust.
- (b) Pursuant to the By-Laws, the Group Trust is adopted as a part of each Qualified Plan that invests herein through the ICMA Retirement Trust.
- (c) In accord with the By-Laws, that part of the Group Trust's corpus or income which equitably belongs to any Deferred Compensation and Qualified Plan may not be used for or diverted to any purposes other than for the exclusive benefit of the Plan's employees or their beneficiaries who are entitled to benefits under such Plan.
- (d) In accord with the By-Laws, no Deferred Compensation Plan or Qualified Plan may assign any or part of its equity or interest in the Group Trust, and any purported assignment of such equity or interest shall be void.

3. **Governing Law.** Except as otherwise required by federal, state or local law, this Declaration of Trust (including the ICMA Declaration to the extent incorporated herein) and the Group Trust created hereunder shall be construed and determined in accordance with applicable laws of the State of New Hampshire.

4. **Judicial Proceedings.** The Trustee may at any time initiate an action or proceeding in the appropriate state or federal courts within or outside the state of New Hampshire for the settlement of its accounts or for the determination of any question of construction which may arise or for instructions.

IN WITNESS WHEREOF, the Trustee has executed this Declaration of Trust as of the day and year first above written.

VANTAGETRUST COMPANY

A handwritten signature in black ink, appearing to read "Paul F. Gallagher", written over a horizontal line.

By: _____
Name: Paul F. Gallagher
Title: Assistant Secretary

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2186**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-34 of the Code of Ordinances of the City of Muskegon concerning the General Employee Retirement System is amended to state as follows:

- (a) A person who is in the employ of the city in a membership position shall be a member of the retirement system. A membership position is a city position normally requiring 1,500 or more hours of work in a calendar year, except as provided in subsection (b) of this section.
- (b) The following types of city employment are not membership positions:
 - (1) Contractual employment;
 - (2) Employment compensated on a fee basis;
 - (3) Employment as an elected official; and
 - (4) Employment as a policeman or fireman as defined by the city police-fire retirement system established and maintained in accordance with Chapter XIX of the Charter of the city.
- (c) A member who ceases to be employed by the city in a membership position shall thereupon cease to be a member.
- (d) The membership of the retirement system shall not include city non-union employees who became employed by the City after July 1, 2005, and city non-union employees who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006.
- (e) The membership of the retirement system shall not include city non-union employees who became employed by the City before July 1, 2005, and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.
- (f) The membership of the retirement system shall not include city employees who are members of the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Clerical Union") and become employed by the City after January 1, 2006, and Clerical Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective May 31, 2006.
- (g) The board of trustees shall decide all questions concerning the membership status of any person.
- (h) The city manager may elect to be excluded from membership in the retirement system. The election shall be made in writing in the form prescribed by the retirement system within 90 days after the date the individual becomes city manager. As used in this subsection, "city manager" means the individual who is appointed by, serves at the pleasure of and is designated by the city commission to be the city manager. The following conditions shall apply to a city manager regarding membership in the retirement system:

- (1) If the city manager fails to elect to be excluded from membership in the retirement system within 90 days after becoming the city manager, the city manager shall remain a member of the retirement system.
- (2) Upon becoming a member in the retirement system, the city manager shall not have the option to elect to be excluded from the retirement system unless the election is made within the 90-day period.
- (3) If the city manager elects to be excluded from membership in the retirement system, the city manager may not revoke that election nor become a member of the retirement system on account of employment by the city.
- (4) If an individual employed by the city and a member of the retirement system is appointed city manager, the individual shall remain a member of the retirement system unless the individual elects in writing within 90 days after the date appointed as city manager to be excluded from membership in the retirement system. If such individual was previously a member in the retirement system and elects to be excluded from membership, the following conditions shall apply:
 - a. The individual shall be paid the individual's accumulated contributions, and all credited service shall be forfeited unless he elects to be deferred under subsection (h)(4)d. of this section.
 - b. The individual may not again become a member of the retirement system on account of employment by the city.
 - c. The individual's forfeited credited service and any service rendered the city while the individual was excluded from membership shall never be reinstated or credited to the individual.
 - d. Instead of proceeding under subsections (h)(4)a., b. and c. of this section, a previously employed individual who has enough years of credited service to be vested in the plan at the time of such election within 90 days after appointment as city manager may elect to terminate participation in the plan and remain vested therein as in the case of a deferred retiree and receive benefits accordingly which are limited by the years of credited service at the time of the election. In such case, no withdrawal of employee contributions shall be allowed.

This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, Gawron
Nays: None

Adoption Date: February 28, 2006

Effective Date: March 17, 2006

First Reading: February 28, 2006

Second Reading: N/A

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28 day of February, 2006, 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: February 28, 2006

Gail A. Kunding
Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on February 28, 2006, the City Commission of the City of Muskegon adopted an amendment to Section 62-34, Membership of Retirement System, under the General Employee Retirement System ordinance of the City of Muskegon, summarized as follows:

(e) The membership of the retirement system shall not include city employees who are members of the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Clerical Union") and become employed by the City after January 1, 2006, and Clerical Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective May 31, 2006.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published: March 7, 2006

By _____
Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

CITY COMMISSION MEETING

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: February 28, 2006

SUBJECT: Memorandum of Understanding-Justice Assistance Grant

SUMMARY OF REQUEST:

The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2006 Justice Assistance Grant. The money in this grant is shared by the three entities. The \$50,538 in this grant will allow for the continuation of the community prosecution program.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of this request.

OFFICE OF THE
MUSKEGON COUNTY PROSECUTOR



HALL OF JUSTICE, FIFTH FLOOR
990 TERRACE STREET
MUSKEGON, MICHIGAN 49442

TONY TAGUE

CRIMINAL DIVISION (231) 724-6435
VICTIM SERVICES (231) 724-6676
CHILD SUPPORT (231) 724-6030

BRETT H. GARDNER
Chief Assistant

LESLIE C. BOWEN
Chief Trial Attorney

ASSISTANTS
JOSEPH J. BADER
RAYMOND J. KOSTRZEWA
TIMOTHY M. MAAT
CHARLES F. JUSTIAN
DALE J. HILSON
JAMES L. CORBETT
PAULA A. BAKER
THOMAS J. BYRNE
ROBERT F. HEDGES
MATTHEW J. ROBERTS
MARC E. CURTIS
MELISSA R. POAG
GERARD E. FABER

OFFICE MANAGER
WENDI S. ARCHER

VICTIM SERVICES
AMY ANDERSON
LINDA CAMPBELL
T. MICHAEL BURREL
MARY PATTON

INVESTIGATOR
MICHAEL FERRIER

TO: Chief Tony Kleibecker
City of Muskegon

FROM: Wendi Archer *Wendi Archer*
Office Manager

DATE: February 14, 2006

RE: Justice Assistance Grant
Memorandum of Understanding

Attached is the Memorandum of Understanding outlining the agreement reached between Muskegon County, City of Muskegon and City of Muskegon Heights concerning Justice Assistance Grant funds in the amount of \$50,538. Please affix your signature and forward to City Manager Bryon Mazade for his signature at your earliest convenience. Please return the form to me so that I can forward it to Muskegon Heights to obtain the necessary signatures.

Please contact me if you have any questions or need any additional information. Thank you for your assistance with this matter.

RECEIVED

FEB 15 2006

MUSKEGON POLICE DEPT.
CHIEF of POLICE

L. Potter

GMS Application Number: 2006-F1354-MI-DJ

**2006 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 \$50,538 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.

The Muskegon County Prosecutor's Office will submit an on-line application for the total joint award for continuation of the 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 1st day of March, 2006, by and between the County of Muskegon, City of Muskegon, City of Muskegon Heights, and Muskegon County, Michigan.

For the City of Muskegon:

Tony Kleiber
Tony Kleiber, Chief of Police

Bryon J. Mazade
Bryon Mazade, City Manager

For the City of Muskegon Heights:

Clifton Johnson
Clifton Johnson, Interim Chief of Police

Melvin C. Burns II
Melvin Burns, III, City Manager

For Muskegon County:

Tony Tague
Tony Tague, Prosecuting Attorney

James Derezinski
James Derezinski, Chairman
I. JOHN SNIDER II
VICE CHAIR
IN ABSENCE OF CHAIR

DATE: February 20, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN050120

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **589 McLaughlin (Carport) – AREA 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050120 – 589 McLaughlin (Carport)

Location and ownership: This structure is located on McLaughlin between Chestnut and Kenneth and is owned by Steven Smith, 589 McLaughlin, Muskegon, MI .

Staff Correspondence: A dangerous building inspection was conducted on 11/10/05. The Notice and Order to Repair was issued on 11/22/05. On 01/05/06 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present to represent structure at the HBA meeting held 01/05/06. There have been no permits issued, no inspections and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$18,200

Estimated cost to repair: \$3,000 (Carport Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, February 28, 2006.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Friday, November 18, 2005

Enforcement # EN050120
Parcel #24-205-092-0001-00

Property Address 589 MCLAUGHLIN AVE
Owner SMITH STEVEN

Inspector: Henry Faltinowski

Date completed: 11/10/2005

DEFICIENCIES: Carport (Only)

Uncorrected

1. Roof system on carport has severe structural damage - rotted sheathing, missing roof covering open rafter - fascia areas repair/replace to code.

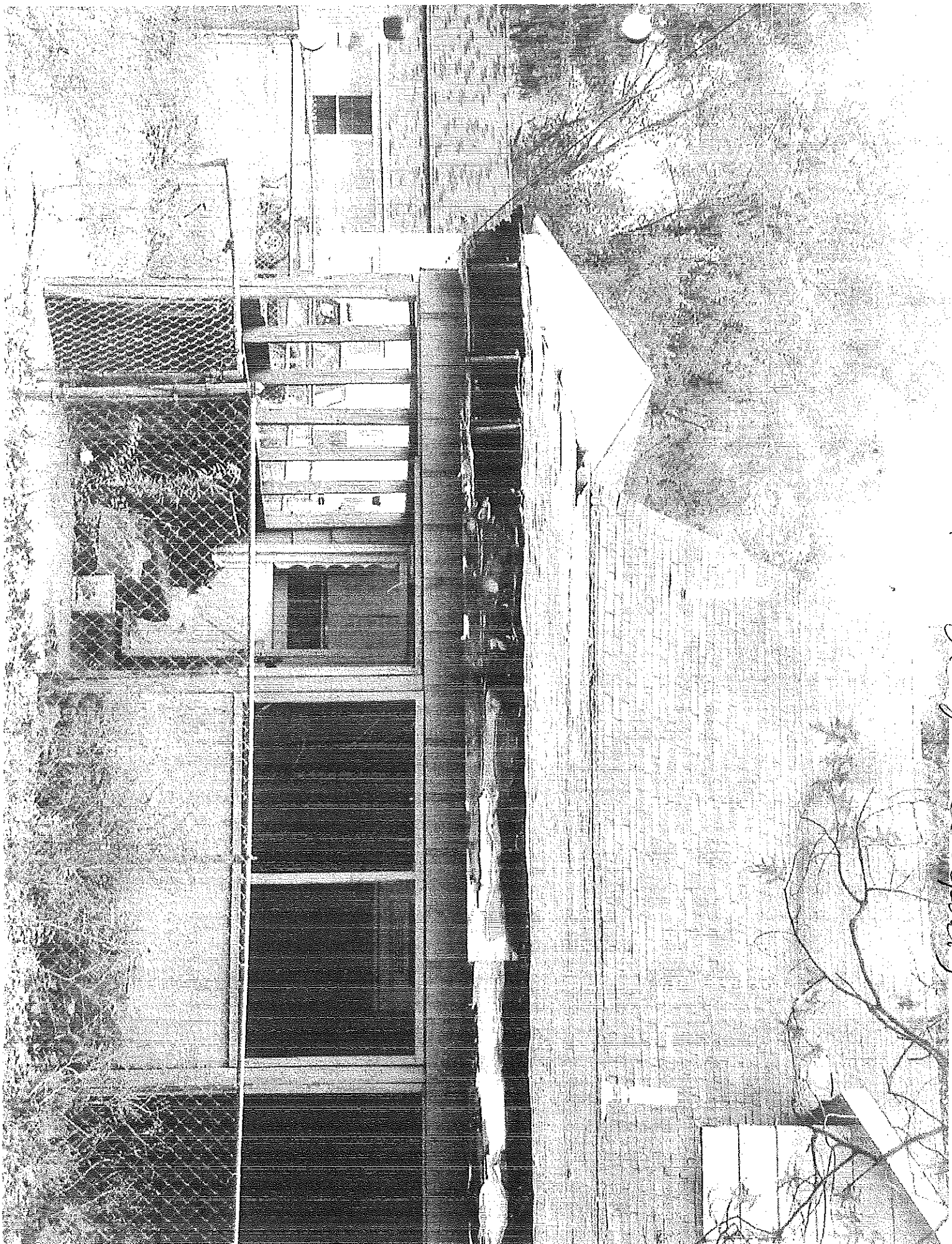
Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

589 McLaughlin (Airport)



DATE: January 17, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050111

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1532 Terrace** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050111 – 1532 Terrace

Location and ownership: This structure is located on Terrace between E. Southern and E. Grand and is owned by Brent/Darlene Foltyniewicz, 897 Cheboygan, Muskegon, MI 49445

Staff Correspondence: A dangerous building inspection was conducted on 09/02/05. A interior inspection was conducted on 09/13/05. The Notice and Order to Repair was issued on 09/21/05. On 11/03/05 the HBA declared the structure substandard and dangerous.

Owner Contact: The owner was present at the HBA meeting dated 11/03/05 and stated that the reason he had not worked on the house was due to divorce proceedings and property settlement was in question and financial problems. He said he was now planning to repair and complete by December 31, 2005. The HBA declared the structure dangerous, substandard and a public nuisance with a delay sending to City Commission if progress was made. The owner was issued a building permit 11/04/05 but no inspections have been scheduled and no owner contact since that time.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: 23,700

Estimated cost to repair: \$25,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 24, 2006.

CITY OF MUSKEGON DANGEROUS BUILDING INSPECTION REPORT

Wednesday, September 21, 2005

Enforcement # EN050111 **Property Address** 1532 TERRACE ST
Parcel #24-205-282-0003-00 **Owner** FOLTYNEWICZ BRENT S/DARLENE S

Inspector: Henry Faltinowski

Date completed: 09/02/2005

DEFICENCIES:

Uncorrected – Exterior Inspection

1. Missing Foundation wall sections; deteriorated rim joist.
2. Missing siding; exposed siding in need of maintenance.
3. Repair all damaged soffitt and fascia.
4. Replace windows or repair frames, scrape and paint.
5. Replace back concrete landing collapsing.
6. Repair-replace all damaged roof covering

Uncorrected – Interior Inspection – 09/13/05

1. Draft stop holes in basement.
 2. Apt #1 - Separate Floor, Ceiling - repair all drywall damage.
 3. Repair all floor damage caused by water leaking in apartments.
 4. All handrails guardrail must meet code.
 5. House to be rewired to meet 2003 MRC.
 6. Smoke alarms to be installed to meet 2003 MRC.
 7. Electric service to be replaced to meet 2003 MRC.
 8. At Gas Meters, the gas piping has been disturbed. - Need to have vac breaker type spigots.
 9. Plumbing to meet 2003 Mich Code.
 10. Plug lines in basement.
 11. Water leak on City water valve to meter - Plumbing to be supported.
 12. Will need furnace and hot water heater.
 13. First floor will need shower valve & showerhead, vent fan - All Mech to conform to 2003 Mich Mech Code.
 14. Second Floor - Bathroom must have scold free faucet on bathtub.
- There is not a spigot & is leaking combustibile to be moved from furnace room.
Toilet leaking upstairs.
Provide heating & working plumbing for upstairs.
Vent fan in 2nd floor bathroom.
Plumb & house water distribution to Mich 2003 Plumb Code.

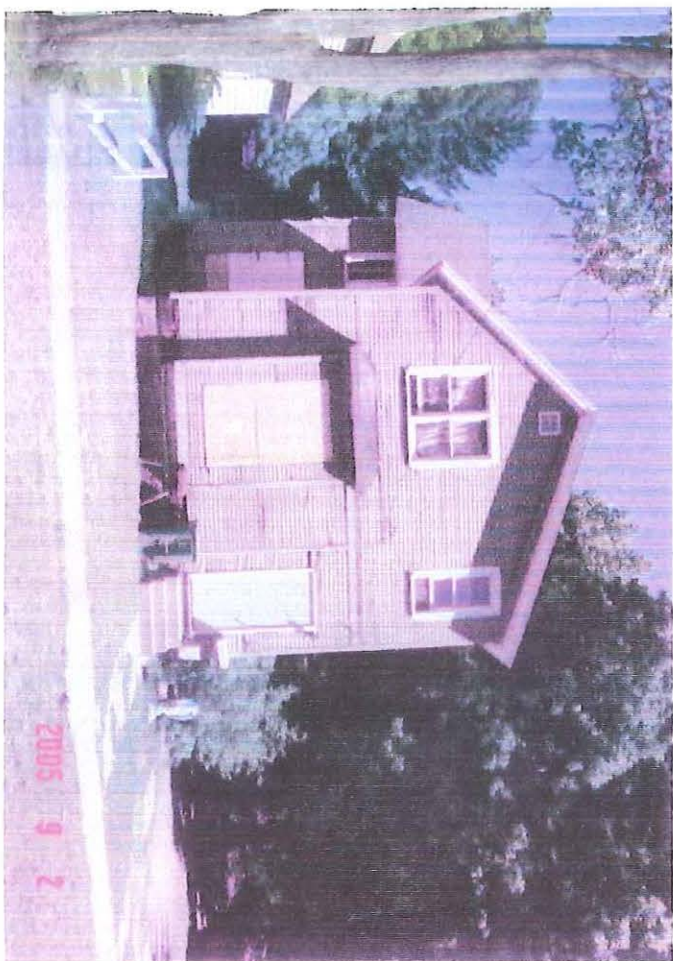
Inspect & certify chimney & appliance vents.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

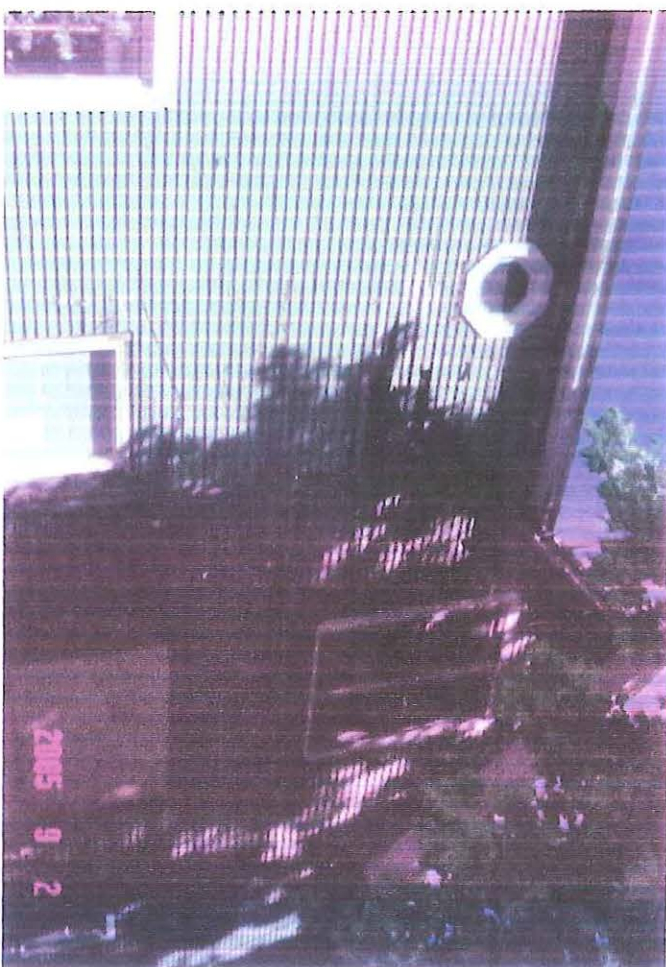
Henry Faltinowski, Building Inspector

Date

1532 TEMAZ



D.B.



DATE: February 21, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-03-28

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1581 Terrace** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-03-28 – 1581 Terrace

Location and ownership: This structure is located on Terrace between E. Forest and E. Grand Ave and is owned by Judy Perski, 6531 W. Beech, Ludington, MI 49431

Staff Correspondence: A dangerous building inspection was conducted on 05/08/03 and an interior inspection on 05/22/03. The Notice and Order to Repair was issued on 05/29/03. On August 7, 2003 the HBA declared the structure to be dangerous, substandard and a public nuisance.

Owner Contact: Bankruptcy filed, property in foreclosure, copies of notices were forwarded to mortgage company in 02/04. Ms Perski acquired property in 12/12/04. The case was scheduled for the City Commission in April 2005 but was pulled from agenda when new owner came in to meet with Inspections and stated plans to complete repairs. A letter was sent 10/12/05 requesting inspections to be scheduled because it appeared work was being done with no permits. Realtor called 11/09/05 asking about status and lien on property because of pending sale. No permits have been issued, no inspections scheduled and no owner contact since that time.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$18,900

Estimated cost to repair: \$35,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, February 28, 2006.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1581 TERRACE

5/8/03

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. No front steps on porch.
3. Replace roof covering.
4. Side and rear landing and stairs must be rebuilt to MRC 2000 code requirements.
5. Scrape and paint window frames.

For information contact Inspection Services at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1581 Terrace
(INTERIOR INSPECTION)
5/22/03

Inspection noted:

1. Plumbing needs to be replaced.
2. Furnace is inoperable.
3. Ductwork is destroyed.
4. Plumbing fixtures are destroyed.
5. No cover on electrical panel.
6. Broken light in basement SE corner.
7. No box at back porch light.
8. Broken light fixtures throughout.
9. Ceiling fans with no apparent fan rated boxes.
10. No ground rods on service.
11. 3-wire plugs with no ground verification.
12. Hard-wired smoke detectors required with battery back up.
13. GFI's required in kitchen and bathrooms.
14. Repair all structural floor joist damage in home to MRC 2000 code – cut joists, columns, beams.
15. Rebuild basement stairs to code – handrail, guardrail, run-rise, headroom.
16. Interior stairs are destroyed; rebuild to MRC 2000 code.
17. 3rd floor stairs are required to be repaired to code, handrail & guardrail.
18. Repair all wall, floor, ceiling damage in home: numerous damage.
19. All openable egress windows must be operational for required egress and ventilation.
20. Windows are in hazardous locations and must have safety glazing.
21. Back porch and door must be rebuilt to code.
22. Chimney on home has structural damage – replace.
23. Paint and patch all interior window frames.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS AT 231-724-6715.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



DSC00617.JPG



DSC00010.JPG

1587 Terrace

DATE: February 21, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050103

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **442 W. Muskegon** – is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050103 – 442 W. Muskegon

Location and ownership: This structure is located on Muskegon between Sixth and Fifth and is owned by Gail Anderson, 845 Catherine, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 05/16/05. The Notice and Order to Repair was issued on 06/01/05. On 08/04/05 the HBA tabled case pending an interior inspection. On 10/06/05 the HBA declared structure substandard, dangerous and a public nuisance.

Owner Contact: Mr. & Mrs. Anderson were present at the HBA meeting dated 06/01/05 at which time Mr. Anderson said his plan was to sell the structure “as is” but said he had taken care of the exterior items, the roof and replace siding but work was done without permits. Mr. Anderson agreed to schedule an interior inspection and the case was tabled. Mr. & Mrs. Anderson were present at the HBA meeting 10/06/05 which Mr. Anderson stated again his plan to sell property “as is “ but no interior inspection was ever scheduled. The Neighborhood Investment Corp scheduled an interior inspection but it was a “no show”. There has been no interior inspection scheduled as promised, however a housing (rental) inspection report conducted 06/01/05 shows 64 items including unsafe electrical, plumbing, rotted steps, etc. (see attached report).

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: 17,600

Estimated cost to repair: \$6,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, February 28, 2005.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Tuesday, February 21, 2006

Enforcement # EN050103 **Property Address** 442 W MUSKEGON AVE
Parcel #24-205-337-0008-00 **Owner** ANDERSON GAIL A

Inspector: Henry Faltinowski

Date completed: 05/16/2005

DEFICENCIES:

Uncorrected

1. Roof covering on home incomplete.
2. Roof covering on garage failing. Reroof
3. Missing siding on home.
4. Missing rotting siding on garage.
5. Scrape and paint garage - replace broken out windows - replace damage door.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

CITY OF MUSKEGON INSPECTION REPORT

June 1, 2005

AT 4:00 p.m.

FOR W. MUSKEGON 442

PAGE 1

No	Cat	Violation
1		BASEMENT Water and gas lines must be properly supported.
2	A	BASEMENT Doesn't have a smoke detector as required by code.
3	A	BASEMENT Restore laundry waste.
4	B	BASEMENT Hose used for water supply.
5	A	BASEMENT Fuse or circuit panel has circuit with too large of fuse for the size of wire.
6	B	BASEMENT - ELECTRIC Fuse has doubled up circuits.
7	A	BASEMENT - FURNACE Furnace needs an inspection by a mechanical contractor and must be certified safe.
8	B	BASEMENT - FURNACE Please have your mechanical contractor fill out the enclosed furnace inspection form. You must return this prior to your next inspection.
9	A	BASEMENT-WATER HTR & OTHER AREAS Copper and galvanized water lines are corroded.
10	A	BATHROOM Lavatory is inoperable.
11		BATHROOM No water to lavatory.
12	A	BATHROOM No waste line on lavatory.
13	B	BATHROOM Ceiling has a hole or holes or large cracks in it.
14	B	BATHROOM Floor covering has holes, rips or is missing or is not sealed on edges.
15	B	BATHROOM Outlet is broken, loose or not working.
16	A	BATHROOM No power.
17	B	BATHROOM Window lock(s) is/are missing or inoperative.
18	B	BATHROOM - TOILET Toilet is not bolted tight at the floor.
19	B	BATHROOM - TUB Faucet is broken or incomplete.
20	A	ELECTRIC Front bedroom, bathroom, and basement are without power.
21		ELECTRIC Service needs to be upgraded.
22		ELECTRIC Entire dwelling needs to be re-wired.
23	A	EXTERIOR - FRONT Window has broken or cracked glass.

CITY OF MUSKEGON INSPECTION REPORT

June 1, 2005

AT 4:00 p.m.

FOR W. MUSKEGON 442

PAGE 2

No	Cat	Violation
24	B	EXTERIOR - FRONT PORCH Door has broken or missing panels.
25	A	EXTERIOR - FRONT PORCH Dwelling has flammable liquids stored inside - must be removed.
26	B	EXTERIOR - GENERAL Operable window(s) do not have a screen - must cover the complete bottom sash.
27	B	EXTERIOR - REAR Light fixture is broken or loose.
28	A	EXTERIOR - SEVERAL Window has broken or cracked glass.
29	B	EXTERIOR - SOME TRIM Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
30	B	FRONT BEDROOM Ceiling tile are missing or falling down.
31	B	FRONT BEDROOM Roof leaks.
32	A	FRONT BEDROOM Ceiling is moldy.
33	B	FRONT BEDROOM Window lock(s) is/are missing or inoperative.
34	B	FRONT BEDROOM Room is not supplied with 2 sources of power. Must have 2 duplex wall outlets or outlet and one overhead light.
35	B	FRONT BEDROOM Door is loose or coming off of its hinges.
36		GARAGE NOTE: Garage must be removed or repaired.
37	B	GARAGE Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
38	B	GARAGE Siding has holes in it or is rotted or missing.
39	B	GARAGE Has eave boards that are rotted or missing.
40	A	GARAGE Window sash is broken, rotted or missing.
41	B	GARAGE Window sill is broken, missing or rotted.
42	B	GARAGE - SEVERAL Door is broken or missing.
43	B	HALLWAY Floor covering has holes, rips or is missing or is not sealed

on edges.
44 B HALLWAY
Ceiling tile are missing or falling down.
45 KITCHEN
Floor slopes.
46 B KITCHEN

CITY OF MUSKEGON INSPECTION REPORT

June 1, 2005

AT 4:00 p.m.

FOR W. MUSKEGON 442

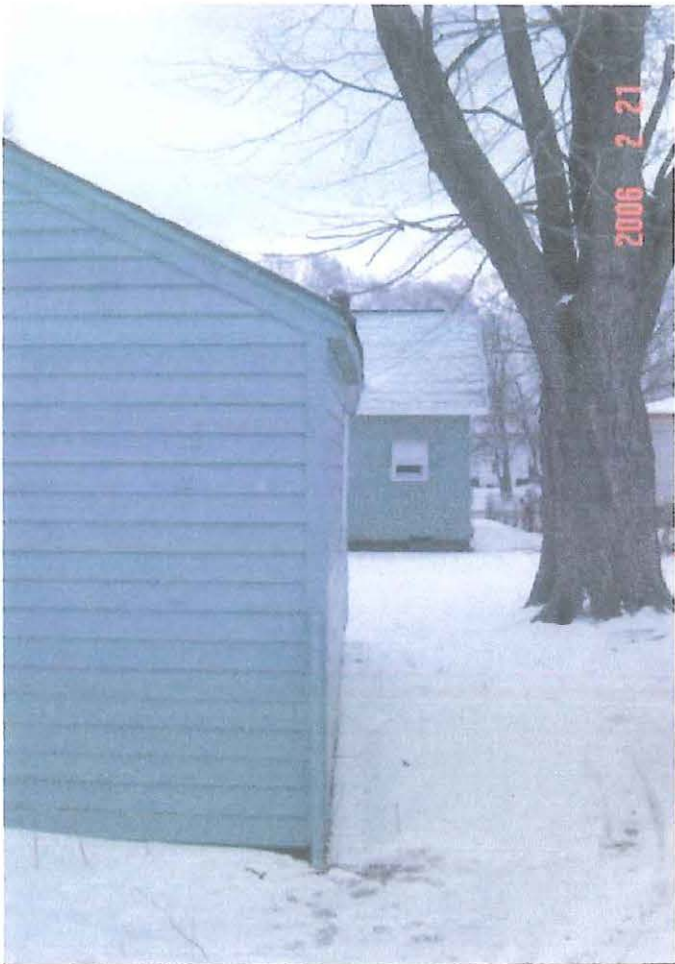
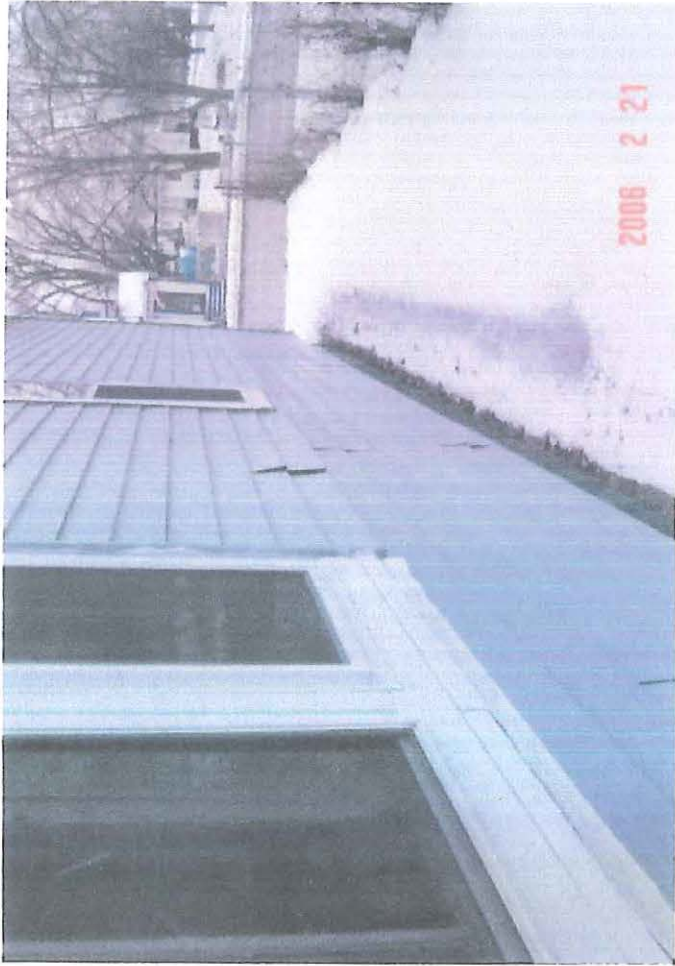
PAGE 3

No	Cat	Violation
47	B	KITCHEN Wall tiles are loose. Sink waste needs a compression fitting.
48	B	KITCHEN Window lock(s) is/are missing or inoperative.
49	B	KITCHEN Cabinets are not in good repair.
50	A	KITCHEN - OVER SINK Light is improper.
51	A	LIVING ROOM Dwelling has a gasoline engine stored inside - must be removed.
52	A	LIVING ROOM Doesn't have a smoke detector as required by code.
53	B	MIDDLE BEDROOM Door is broken or missing.
54	B	MIDDLE BEDROOM Walls have peeling paint.
55	A	UPSTAIRS Window has broken or cracked glass.
56	A	UPSTAIRS Door has a hasp - MUST BE REMOVED.
57	B	UPSTAIRS Door is broken or missing.
58	A	UPSTAIRS Doesn't have a smoke detector as required by code.
59	A	UPSTAIRS Outlet cover is missing or broken.
60	A	UPSTAIRS Handrail is missing.
61	B	UPSTAIRS Floor covering has holes, rips or is missing or is not sealed on edges.
62	A	UPSTAIRS Step is broken or rotted.
63	B	UPSTAIRS - CEILING Wall or walls has a hole or holes or large cracks in it.
64	B	UPSTAIRS - WALLS Ceiling has a hole or holes or large cracks in it.

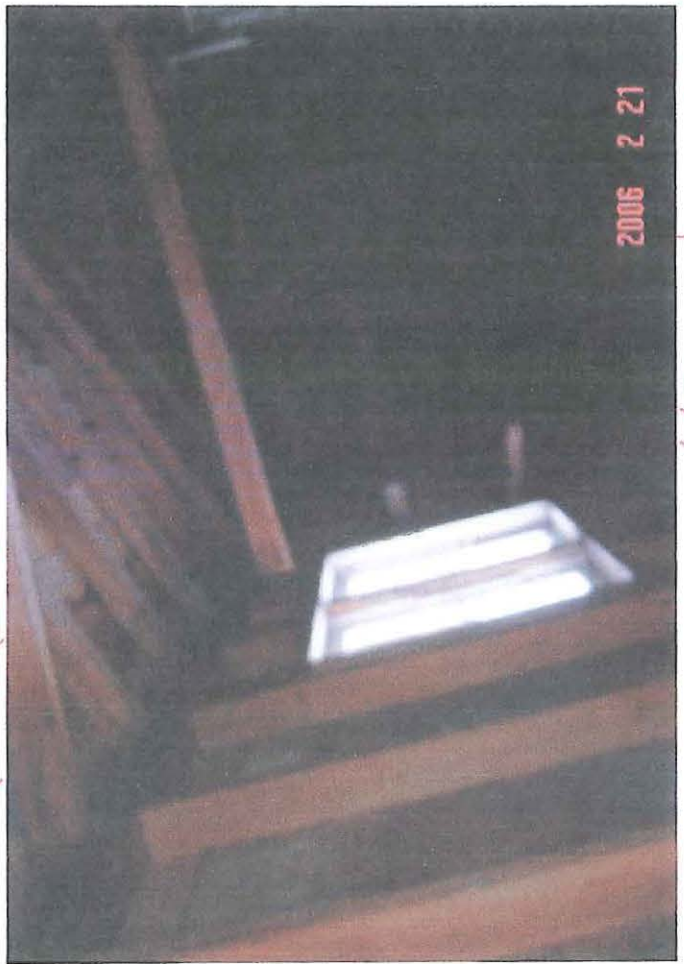


442 w. Muskogee
2/21/2008

D.B 442 w. Muskogean



442 w. Muskogean



442 w. Muskogean 7/21/2006