CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 22, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**

  A. **2004 4th Quarter Suggestion Award Winner.** CIVIL SERVICE

- **INTRODUCTIONS/PRESENTATION:**
- **CONSENT AGENDA:**

  A. **Approval of Minutes.** CITY CLERK

  B. **Traffic Department Materials and Services 2005.** PUBLIC WORKS

  C. **Budgeted Vehicle Purchases - Six Crown Victorias.** PUBLIC WORKS

  D. **Budgeted Vehicle Purchases - Three Taurus Sedans.** PUBLIC WORKS

  E. **FIRST READING: Zoning Ordinance Amendment for Residential Design Criteria.** PLANNING & ECONOMIC DEVELOPMENT

  F. **FIRST READING: Rezoning Request for Property Located at 1282 Arthur Street.** PLANNING & ECONOMIC DEVELOPMENT

  G. **Rezoning Request for Property Located at 2111 & 2123 McCracken Street and 2117 & 2125 Lakeshore Drive.** PLANNING & ECONOMIC DEVELOPMENT

  H. **Purchase of 218 Catherine.** COMMUNITY & NEIGHBORHOOD SERVICES

  I. **Purchase of 461 Marquette.** COMMUNITY & NEIGHBORHOOD SERVICES

- **PUBLIC HEARINGS:**

  A. **Request to Establish an Obsolete Property District – 878 Jefferson.** PLANNING & ECONOMIC DEVELOPMENT

B. **<u>Request to Issue an Obsolete Property Certificate – 878 Jefferson.</u>** PLANNING & ECONOMIC DEVELOPMENT

C. **<u>Create a Special Assessment District for Fair Avenue, Torrent to Addison.</u>** ENGINEERING

- **COMMUNICATIONS:**

- **CITY MANAGER'S REPORT:**

- **UNFINISHED BUSINESS:**

A. **Resolution to Designate the Port City Industrial Park as a Neighborhood Enterprise Zone.** PLANNING & ECONOMIC DEVELOPMENT

- **NEW BUSINESS:**

A. **Request for Final Planned Unit Development Approval at the Former Muskegon Mall Site, 100 Muskegon Mall.** PLANNING & ECONOMIC DEVELOPMENT

B. **Final Amendments to 2004 Budget**. FINANCE

C. **Street Construction - 6th Street from Muskegon to Houston.** COMMISSIONER SHEPHERD

- **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 pending litigation.**

- **ADJOURNMENT:**

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

2005-16 (a)

CITY COMMISSION MEETING

February 22, 2005

TO: Honorable Mayor and City Commissioners

FROM: Karen Scholle, Civil Service Personnel Director

DATE: February 10, 2005

RE: 2004 4th Quarter Suggestion Award Winner

SUMMARY OF REQUEST:

The Employee Suggestion Award Committee requests that the 2004 4th quarter award go to Treasury Department Employee Mary McGuffey for her proposal to implement a fee for the service of turning water off ($12.50) and back on ($12.50) for plumbing repairs. The City currently performs the work at no charge, though significant DPW staff resources are involved.

FINANCIAL IMPACT:

Recovery of approximately $7,000-10,000 annually toward the costs of this service.

BUDGET ACTION REQUIRED:

None. (Financial resources for $250 award of Muskegon Area Chamber of Commerce gift certificates previously allocated in the 2005 budget.)

COMMITTEE RECOMMENDATION:

The committee recommends honoring Treasury Department Customer Service Representative Mary McGuffey with the 2004 4th quarter Employee Suggestion Award.

STAFF RECOMMENDATION:

Staff supports the committee recommendation and requests approval of this award.

Date: February 22, 2005

To: Honorable Mayor and City Commissioners

From: Gail A. Kundinger, City Clerk

RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Goal Setting Session that was held on Friday, January 28, 2005; the Commission Worksession and the Community Relations Committee that was held on Monday, February 7, 2005; and the Regular Commission Meeting that was held on Tuesday, February 8, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 22, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 22, 2005.

Vice Mayor Larson opened the meeting with a prayer from Commissioner Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Mayor Stephen Warmington (Excused – out of town)

2005-16 HONORS AND AWARDS:

A. 2004 4th Quarter Suggestion Award Winner. CIVIL SERVICE

Vice Mayor Larson presented Mary McGuffey with the 2004 4th Quarter Employee Suggestion Award.

2005-17 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Goal Setting Session that was held on Friday, January 28, 2005; the Commission Worksession and the Community Relations Committee that was held on Monday, February 7, 2005; and the Regular Commission Meeting that was held on Tuesday, February 8, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Traffic Department Materials and Services 2005. PUBLIC WORKS

SUMMARY OF REQUEST: Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the past fifteen years. By bidding together with MCRC and other municipalities we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT: Sign materials and services to be jointly bid:

Sign blanks	$800.00 approx.
Sign posts	$5,800.00 approx.
Sign sheeting	$1,500.00 approx.
Ready Made Signs	$3,000.00 aprox.
Centerline painting	$12,000.00 approx.

Total $23,100.00 ($21,800.00 in 2004).

BUDGET ACTION REQUIRED: None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION: Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

E. <u>FIRST READING: Zoning Ordinance Amendment for Residential Design Criteria.</u> PLANNING & ECONOMIC DEVELOPMENT

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

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

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

(Requires Second Reading)

F. <u>FIRST READING: Rezoning Request for Property Located at 1282 Arthur Street.</u> PLANNING & ECONOMIC DEVELOPMENT

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

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

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

(Requires Second Reading)

H. Purchase of 218 Catherine. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of 218 Catherine from the U.S. Dept. of HUD for $1.00 through its Good Neighbor program. Through the Good Neighbor program, a municipality can purchase a home for one dollar, if a property is on the market for more than six months. After 218 Catherine is obtained, the City will totally rehabilitate the structure and sell it to a qualified family continuing the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The dollar will come from the CNS program income fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the $1.00 home.

I. Purchase of 461 Marquette. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the property located at 461 Marquette (City of Muskegon revised Plat of 1903 Lot 4 Block 13) from Mrs. Mary Buckley of 461 Marquette for the amount of $5,000. If approved, CNS will solicit bids to rehabilitate the structure at 461 Marquette and later sell the totally rehabilitated home to a qualified low/moderate-income family. Which will continue the City's neighborhood revitalization efforts by returning once blighted and or under used vacant homes to the tax roll and or productive use while eliminating their blighting influence on their specific neighborhoods.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2003 HOME funding and the program income accumulated from property sales.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Davis, second by Commissioner Carter to approve the consent agenda with the exception of items c, d, and g.

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

Nays: None

MOTION PASSES

2005-18 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. <u>Budgeted Vehicle Purchases - Six Crown Victorias.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase six 2005 Crown Victorias from Tony Betten and Sons Ford.

FINANCIAL IMPACT: Total cost $120,777.

BUDGET ACTION REQUIRED: None. Savings on other purchases will offset the cost of the additional cruiser.

STAFF RECOMMENDATION: Approve purchase.

D. <u>Budgeted Vehicle Purchases - Three Taurus Sedans.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three Taurus sedans from Tony Betten and Sons Ford.

FINANCIAL IMPACT: Total cost $38,323.95.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the purchase of six 2005 Crown Victorias and three Taurus Sedans from Tony Betten and Sons Ford.

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

Nays: None

MOTION PASSES

G. <u>Rezoning Request for Property Located at 2111 & 2123 McCracken Street and 2117 & 2125 Lakeshore Drive.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 2111 and 2123 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 single Family Residential to RM-1 Low Density Multiple-family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 2/10/05 meeting. Commissioners Spataro, Aslakson, Johnson, Turnquist, Mazade, Michalski & Warmington voted for denial. T. Harryman and B. Smith were absent.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Planning Commission to deny the request to rezone the property.

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

Nays: None

MOTION PASSES

2005-19 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – 878 Jefferson.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Van Slooten Tree Farms, Inc., 1713 7th Street, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 878 Jefferson Street, Muskegon, MI. Total capital investment for this project is $200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 878 Jefferson Street, Muskegon, MI.

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 6:02 p.m. and establish the Obsolete Property District.

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

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate – 878 Jefferson.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Van Slooten Tree Farms, Inc., 1713 7th Street, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 878 Jefferson Street, Muskegon, MI. The building will be rehabilitated to house Carmen's Café. Total capital investment for this project is $200,000. The project will result in the creation of 20 new jobs in the City. Because of these new jobs, the applicant is eligible for an 11 year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property Certificate for 878 Jefferson Street, Muskegon, MI.

The Public Hearing opened at 6:03 p.m. to hear and consider any comments from the public. Comments were heard from Mark VanSlooten, 1713 Seventh Street.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 6:10 p.m. and approve the Obsolete Property Certificate for 11 years.

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

Nays: None

MOTION PASSES

C. **<u>Create a Special Assessment District for Fair Avenue, Torrent to Addison.</u>** ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:11 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Jill LaBash, 1768 Fair Avenue, and Donald Johnson, 1872 Fair Avenue.

Motion by Commissioner Spataro, second by Commissioner Davis to close the Public Hearing at 6:20 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Gawron to create the Special Assessment District, keeping the width as is, and assign Commissioner Gawron and Commissioner Davis to the Board of Assessors.

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

Nays: None

MOTION PASSES

2005-20 UNFINISHED BUSINESS:

A. **Resolution to Designate the Port City Industrial Park as a Neighborhood Enterprise Zone.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a resolution designating the Port City Industrial Park as a Neighborhood Enterprise Zone.

FINANCIAL IMPACT: There is no direct financial impact in approving the designation of the Port City Industrial Park as a Neighborhood Enterprise Zone.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Carter, second by Commissioner Davis to approve the resolution to designate the Port City Industrial Park as a Neighborhood Enterprise Zone.

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

Nays: None

MOTION PASSES

2005-21 NEW BUSINESS:

A. **Request for Final Planned Unit Development Approval at the Former Muskegon Mall Site, 100 Muskegon Mall.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The request for Final Planned Unit Development (PUD) approval at the former mall site is for a mixed use residential and commercial development. The request is by Chris McGuigan, Downtown Muskegon Development Corporation.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the resolution, at their February 10, 2005 meeting. The vote was unanimous.

Motion by Commissioner Shepherd, second by Commissioner Gawron to approve the final Planned Unit Development for the former Muskegon Mall site.

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

Nays: None

MOTION PASSES

B. <u>Final Amendments to 2004 Budget</u>. FINANCE

SUMMARY OF REQUEST: Adoption of the year-end amendments to the City's 2004 Budget to assure compliance with the State *Uniform Budget Act*. This act requires that budgets for "governmental-type" funds (i.e. general fund and special revenue funds) be amended so that expenditures are not reported in the City's audit as exceeding legal appropriations.

FINANCIAL IMPACT: These budget amendments establish the final 2004 authorized revenue estimates and spending limits for the various City departments and funds. The schedule shows how the amended budget varies from the original budget (and subsequent budget reforecasts) previously approved by the City Commission.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the final amendments to the 2004 Budget.

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

Nays: None

MOTION PASSES

C. <u>Street Construction - 6th Street from Muskegon to Houston.</u> COMMISSIONER SHEPHERD

SUMMARY OF REQUEST: To consider reconstruction/resurfacing of 6th Street from Muskegon Avenue to Houston Street.

Motion by Commissioner Shepherd, second by Commissioner Carter to include 6th Street in the 2006 street program and budget.

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

Nays: None

MOTION PASSES

2005-22 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Shepherd to go into Closed Session at 7:38 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Carter to go into Open Session at 7:51 p.m.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:52 p.m.

Respectfully submitted,

Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

City Commission Meeting: February 22, 2005

Date: February 02,2005

To: Honorable Mayor and City Commission

From: Department of Public Works

Re: Traffic Department materials and services 2005

SUMMARY OF REQUEST:

Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the past fifteen years. By bidding together with MCRC and other municipalities we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT:

Sign materials and services to be jointly bid:

Sign blanks	$800.00 approx.
Sign posts	$5,800.00 approx.
Sign sheeting	$1,500.00 approx.
Ready Made Signs	$3,000.00 approx.
Centerline painting	$12,000.00 approx.

Total $23,100.00 ($21,800.00 in 2004)

BUDGET ACTION REQUIRED:

None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION:

Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

Needs 2nd Reading

Commission Meeting Date: February 22, 2005

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

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

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

Commission Meeting Date: February 22, 2005

Needs 2nd Reading

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

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

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

Commission Meeting Date: February 15, 2005

Date: **February 22, 2005**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department**

RE: **Purchase of 218 Catherine**

SUMMARY OF REQUEST: To approve the purchase of 218 Catherine from the U. S. Dept. of HUD for $1.00 through its Good Neighbor program. Through the Good Neighbor program , a municipality can purchase a home for one dollar, if a property is on the market for more than six months.

After 218 Catherine is obtained the City will totally rehabilitate the structure and sale it to a qualified family continuing the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The dollar will come from CNS program income fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the $1.00 home.

COMMITTEE RECOMMENDATION: None needed

24-205-252-0006-10 218 CATHERINE AVE 11/00 - STREET VIEW

Commission Meeting Date: February 15, 2005

Date: **February 22, 2005**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department**

RE: **Purchase of 461 Marquette**

SUMMARY OF REQUEST: To approve the purchase of the property located at **461 Marquette** (City of Muskegon revised Plat of 1903 Lot 4 Block 13) from Mrs. Mary Buckley of 461 Marquette for the amount of $5,000. If approved, CNS will solicit bids to rehabilitate the structure at **461 Marquette** and later sell the totally rehabilitated home to a qualified low/moderate-income family. Which will continue the City's neighborhood revitalization efforts by returning once blighted and or under used vacant homes to the tax roll and or productive use while eliminating their blighting influence on their specific neighborhoods.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2003 HOME funding and the program income accumulated from property sales.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

24-205-013-0004-00 461 MARQUETTE AVE STREET VIEW 11-2000

REAL ESTATE PURCHASE AGREEMENT

2005 - 17(1)

THIS AGREEMENT is made February 22, 2005, by and between **MARY BUCKLEY**, of 461 Marquette, Muskegon, Michigan 49442 ("Seller"), and the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Five Thousand Dollars ($5,000.00).

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing, including the December 2004 taxes. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Buyer has ordered a commitment for title insurance, issued by Land America Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to

the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

6. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

7. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

8. **Closing.** The City's obligation to close on this matter is contingent upon an acceptable appraisal. The closing date of this sale shall be on or before _________________, 200__ ("Closing"). The Closing shall be conducted at Land America Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

9. **Delivery of Deed.** Seller shall execute and deliver a Warranty deed to Buyer at Closing for the Premises.

10. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

11. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on _____________, 2005.

12. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

13. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

SELLER:

____

____
Mary Buckley

SSN: ______________________________

BUYER: CITY OF MUSKEGON

Linda Potter
Linda Potter

By ______________________________
Stephen J. Warmington, Mayor

JoAnn Krukowski
JoAnn Krukowski

Gail A. Kundinger
Gail A. Kundinger, MMC, Clerk

PREPARED BY:
John C. Schrier (P36702)
PARMENTER O'TOOLE
175 W. Apple Avenue
Muskegon, Michigan 49440
Phone: (231) 722-1621

Date: 02/15/05

To: Honorable Mayor and City Commission

From: DPW

RE: Budgeted Vehicle Purchases

SUMMARY OF REQUEST: Approval to purchase six 2005 Crown Victorias from Tony Betten and Sons Ford.

FINANCIAL IMPACT: Total Cost $120,777.00

BUDGET ACTION REQUIRED: None. Savings on other purchases will offset the cost of the additional cruiser.

STAFF RECOMMENDATION: Approve purchase.

Memorandum

To: Honorable Mayor and City Commissioners
From: DPW
Date: 02/15/05
Re: Budgeted Vehicle Replacement

The Equipment Division had scheduled the replacement of five Crown Victoria Police Interceptors for 2005. Due to a higher than normal turn over, we are requesting an additional unit be added. These vehicles will be set up with video system, light bars, and radar units and be used as 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 six Crown Victoria Police Interceptors from Tony Betten and Sons Ford.

Equipment Purchase - 2005				
	Macomb County	Great Lakes Ford	Fremont Ford	Tony Betten
	3942 W. Lansing	2469 E. Apple Ave	7148 W 48th	3839 Plainfield NE
Type of Vehicle	Perry Mi 48872	Muskegon Mi 49442	Fremont ,Michigan	Grand Rapids Mi 49525
6 Crown Victoria	$20,314.00	$20,932.00	$20,740.65	**$20,129.65**
Police Interceptors				
Total	$121,884.00	$125,592.00	$124,443.90	**$120,777.00**

Date: 02/15/05

To: Honorable Mayor and City Commission

From: DPW

RE: Budgeted Vehicle Purchases

SUMMARY OF REQUEST: Approval to purchase three Taurus sedans from Tony Betten and Sons Ford.

FINANCIAL IMPACT: Total Cost $38,323.95

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 02/15/05

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of the three 1997 Taurus sedans for 2005. The Detective Bureau uses these vehicles for investigative work. We initially scheduled these vehicles for replacement in 2004 but due to their relatively low maintenance costs, we extended their life cycle for one year.

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 Taurus sedans from Tony Betten and Sons Ford.

Equipment Purchase - 2005				
	Macomb County	Great Lakes Ford	Fremont Ford	Tony Betten
	3942 W. Lansing	2469 E. Apple Ave	7148 W 48th	3839 Plainfield NE
Type of Vehicle	Perry Mi 48872	Muskegon Mi 49442	Fremont ,Michigan	Grand Rapids Mi 49525
2005 4-Door Taurus	$13,670.00	$13,249.00	$13,074.65	**$12,774.65**
Price for three	$41,010.00	$39,747.00	$39,223.95	**$38,323.95**

Commission Meeting Date: February 22, 2005

Date: **February 16, 2005**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development**

RE: **Rezoning request for property located at 2111 & 2123 McCracken Street and 2117 & 2125 Lakeshore Drive**

SUMMARY OF REQUEST:

Request to rezone property located at 2111 and 2123 McCracken Streeet and also 2117 and 2125 Lakeshore Drive from R-1 single Family Residential to RM-1 Low Density Multiple-family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 2/10/05 meeting. Commissioners Spataro, Aslakson, Johnson, Turnquist, Mazade, Michalski & Warmington voted for denial. T. Harryman and B. Smith were absent.

CITY OF MUSKEGON

RESOLUTION #2005- 18(g)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 2111 and 2123 McCracken Street and also 2117 & 2125 Lakeshore Drive was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on February 10, 2005, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map, Master Land Use Plan and zoning district intent.

NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 22nd day of February, 2005.

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

Nays: None

Absent: Warmington

By: ______________________
Stephen J. Warmington
Mayor

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 22, 2005.

Gail A. Kundinger
____
Gail A. Kundinger, MMC
City Clerk

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

February 10, 2005

Hearing; Case 2005-08: Request to rezone the properties located at 2111 and 2123 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, by Greg Hodge (Hodge Development Services, LLC).

BACKGROUND

Applicant: Hodge Development, Greg Hodge, 2170 Eagle Blvd. Holland, MI

Property Address/Location: 2111 & 2123 McCracken Street and 2117 & 2125 Lakeshore Drive

Present Land Use: 2125 Lakeshore Drive – single-family; McCracken and 2117 Lakeshore Drive, vacant

Current Zoning: R-1, Single Family Residential

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

STAFF OBSERVATIONS

1. The applicant withdrew the original request for rezoning of the property to RM-1 at the October 14, 2004, Planning Commission meeting. (The associated Preliminary PUD review was subsequently tabled at that same meeting.) The applicant resubmitted an identical request at the December 16, 2004 meeting, which was recommended for denial to City Commission. City Commission denied the request at their January 25, 2005 meeting.
2. The only change to the rezoning request is that all of the property located at 2137 McCracken has been excluded, as well as the Southerly 55 feet of 2123 McCracken.
3. Since the preliminary site plan submitted with this rezoning request show that the proposed development doesn't meet the front or rear setback requirements and no commercial element is included in the request, a PUD application would need to be resubmitted by the applicant and approved by the Planning Commission.
4. The subject property is located at the southwest corner of Lakeshore Drive and McCracken Street. The parcels along McCracken Street are remnants of a former railroad right-of-way and the two along Lakeshore Avenue are platted lots. The entire project site is zoned R-1, as are all properties on the block. Across Lakeshore Avenue, zoning of properties within the notification area include R-1 and B-4. Across McCracken Street, the properties facing Lakeshore are zoned RM-1 and those facing Harrison Avenue are zoned R-1. Zoning of properties to the south, across Harrison, is R-1. The neighborhood is predominantly single

family residential other than along Lakeshore Avenue, where there is a mix of single and multi family uses, commercial uses and vacant land.

5. The Future Land Use Map shows the subject property to be "Single & Two-Family Residential." It is adjacent to the "Lakeside Pedestrian Scale Mixed-Use Area" across Lakeshore Drive, which promotes "pedestrian-friendly, mixed-use development and redevelopment."

6. The Master Land Use Plan states:
   - It is the goal of the Master Plan to retain the McGraft Park Residential Sub-Area as single family in orientation. As such, the Master Plan supports ongoing efforts towards the rehabilitation of mature housing stock for continuing single family use and, where feasible, the construction of new single family detached homes. Moreover, those features of the sub-area considered highly beneficial to the area's residential character, aesthetic quality and life style should be fully protected and, where necessary, enhanced. These include McGraft Park, Seyferth Playfield, and tributaries of Ruddiman Lagoon.

   - While fostering the above goal, it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts of the sub-area's residential focus.

7. The Master Plan recommends for this sub-area:
   - Maintain the character of the sub-area as single family residential. Limited multiple-family may be permitted provided:
     - Residential density (units per acre) does not exceed underlying single family standards by more than 50%;
     - Sufficient onsite parking exists to accommodate all units;
     - The character of the multiple family complex (building and site) must be consistent with that of surrounding residential development;
     - All units should have on-site access to at least (1) stall of an enclosed garage; and
     - All projects should be subject to site plan review by the Planning Commission.

8. Though the subject property is not located within it, it is adjacent to the Lakeside area. The City of Muskegon Waterfront Redevelopment Sub-Plan 1999 recognizes the residential character of the Lakeside area and recommends mostly residential with some mixed-use commercial/office and residential development that utilizes and respects local vernacular styles for the design of new buildings and preserves views of the lake.

9. The RM-1 district permits multiple family dwellings, up to 16 dwelling units per acre; current R-1 zoning permits single family detached dwellings, up to seven (7) dwelling units per acre. The PUD option allows for mixed land uses that are compatible with each other. The maximum number of units permitted on the site are approximately: R-1, 3 dwelling units; R-T, 4 dwelling units; RM-1, 8 dwelling units.

10. Since this is strictly a rezoning request, the site plan wasn't routed to Fire, Police or Public Works Departments.

11. Ellen Davis, 2057 Harrison, sent an e-mail objecting to the request due to traffic and safety

issues, among other things. A copy is included in this packet.

ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

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

SECTION 400: PRINCIPAL USES PERMITTED

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

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

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

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

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
   ...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
   ...
3. Churches and other facilities normally incidental thereto subject to the following

conditions:

. . .

4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.

5. Cemeteries.

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

. . .

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

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

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

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]
Planned unit developments (PUDs) may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the single family residential district is to allow for flexibility in the design of housing developments, including but not limited to condominium developments and cluster subdivisions, to allow for the preservation of open space; allow for economies in the provision of utilities and public services; provide recreational opportunities; and protect important natural features from the adverse impacts of development.
1. – 9. . . .

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]
1. <u>Minimum lot size</u>: 6,000 sq. feet
2. <u>Density (see definition in Article II)</u>: 7 dwelling units per buildable acre.

3. <u>Maximum lot coverage</u>:
   Buildings: 50%
   Pavement: 10%

4. <u>Lot width</u>: 50 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

5. <u>Width to depth ratios</u>: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
6. <u>Height limit</u>: 2 stories or 35 feet.
   <u>Height measurement</u>: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade

shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

7. Front Setbacks:

Minimum:

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

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

8. Rear setback: 30 feet

9. Setback from the ordinary high water mark or wetland: 30 feet (principal structures only).

10. Side setbacks:

1-story: 6 feet and 10 feet
2-story: 8 feet and 12 feet

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

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

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.

12 The dwelling shall have a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to at least ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be more, exclusive of storage space for automobiles.

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

PREAMBLE

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

SECTION 700: PRINCIPAL USES PERMITTED

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

1. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.

2. Multiple dwellings and row houses for any number of families.

3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.

4. Bed & Breakfast facilities, under the following conditions: [amended 7/03]

   ...

5. Rooming houses with a capacity of not more than three (3) roomers.

6. Churches and other facilities normally incidental hereto subject to the following conditions:

   ...

7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]

   ...

8. Foster Care Small Group Homes. [amended 11/02]

9. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.

10. Uses similar to the above Principal Permitted Uses.

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

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the

Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

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

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

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

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

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

   . . .

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

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

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

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

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

1. <u>Minimum lot size</u>: 10,890 sq. feet.

2. <u>Density (see definition in Article II)</u>: 16 dwelling units per buildable acre.

3. <u>Dedicated open space requirement</u>: 15 %

4. <u>Maximum lot coverage</u>:
   Buildings: 60 %
   Pavement: 20 %

5. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
6. Maximum building width: 50% (as a portion of the lot width).

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

8. Height limit: 3 stories or 50 feet.

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

9. Front Setbacks:
   Minimum:
   Expressway, Arterial Street or Major Street: 30 feet
   Collector Street: 25 feet
   Minor Street: 20 feet

10. Rear setback: 30 feet

11. Setback from the ordinary high water mark or wetland: 50 feet (principal structures only).

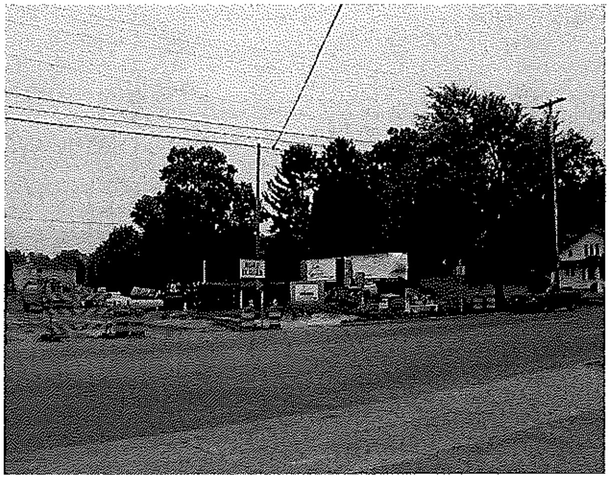
12. Side setbacks:
    1-story: 8 feet and 12 feet
    2-story: 10 feet and 14 feet
    3-story: 12 feet and 16 feet

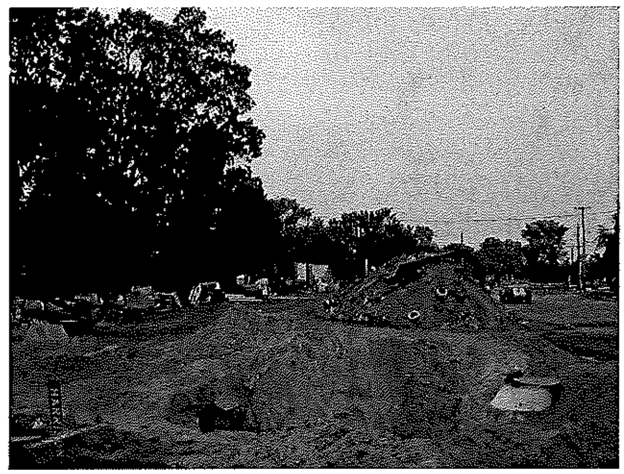
    Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

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

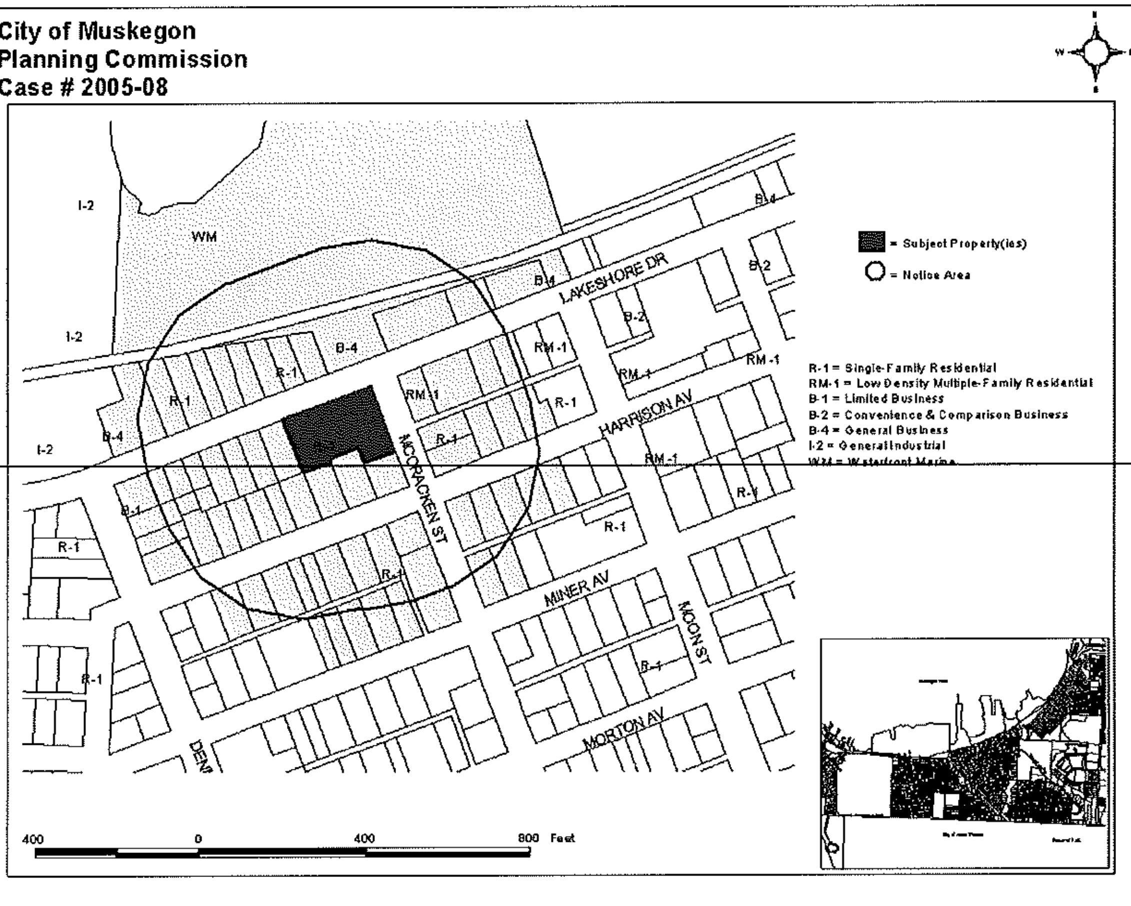
    . . .

14. 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]





City of Muskegon
Planning Commission
Case # 2005-08



RECOMMENDATION

The intent of the RM-1 zone district is to provide sites for multiple family dwellings that will generally serve as zones of transition between the nonresidential districts and lower density one and two family residential districts. Some of the primary differences between the R-1 and RM-1 zone districts are: principal uses permitted in the RM-1 zone are more intensive than those in the R-1 zone; greater allowable density; and greater flexibility with the PUD option in the RM-1 zone. Based upon the goals and recommendations of the Master Plan, however, the requested RM-1 zone is a more intense zone district than expected for the area, though there is previously zoned RM-1 property directly across McCracken Street.

Further, the Master Plan recommendation that the density not exceed 50% of the allowable R-1 density is not satisfied by the RM-1 zone. Recommended density should not exceed 10.5 dwelling units per buildable acre; RM-1 zoning permits 16.

By comparison, the RT Two Family Residential District's Principal Uses Permitted are comparable to the R-1 zone and it allows 10 dwelling units per buildable acre, while the PUD option still allows mixed uses. Though staff finds the RT zone more appropriate for the site per the 1997 Master Plan and the 1999 Waterfront Redevelopment Sub-Plan, development in the area has not necessarily mirrored the expectations at the times when those plans were adopted.

Based upon the above analysis, staff is recommending denial of the request to rezone the subject property from R-1 to RM-1 because the request does not conform to the goals and recommendations of the 1997 Master Plan, finding that the RT zone is more appropriate. Should the Planning Commission find that the goals and recommendations of the current plans are not reflective of current conditions and expected trends, and choose to recommend the City Commission rezone the property, appropriate changes in the Master Plan should be made at or before the next major Master Plan update.

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 properties located 2117& 2125 Lakeshore Drive and 2111 McCracken & the Northerly 29 feet of 2123 McCracken Street, from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: February 22, 2005

Date: **February 14, 2005**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Public Hearing - Request to Establish an Obsolete Property District – 878 Jefferson**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Van Slooten Tree Farms, Inc., 1713 7th Street, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 878 Jefferson Street, Muskegon, MI. Total capital investment for this project is $200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 878 Jefferson Street, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2005-19(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.

B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.

C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.

2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.

3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on February 22, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, MMC
Clerk

Attachment A: District Description

Units 1 through 3, inclusive, Jefferson Professional Condominium, according to the Master Deed recorded April 30, 1986 in Liber 1345, pages 822 through 874, inclusive, Muskegon County Records and First Amendment to Master Deed recorded June 16, 1987 in Liber 1396, Pages 582 through 584, inclusive, and designated as Muskegon County Condominium Subdivision Plan No. 20.

Location of Proposed Obsolete Property District

Commission Meeting Date: February 22, 2005

Date:	**February 14, 2005**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBC
RE:	**Public Hearing - Request to issue an Obsolete Property Certificate – 878 Jefferson**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Van Slooten Tree Farms, Inc., 1713 7th Street, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 878 Jefferson Street, Muskegon, MI. The building will be rehabilitated to house Carmen's Café. Total capital investment for this project is $200,000. The project will result in the creation of 20 new jobs in the City. Because of these new jobs the applicant is eligible for an 11 year certificate.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property Certificate for 878 Jefferson Street, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2005-19(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by Van Slooten Tree Farms, Inc.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Van Slooten Tree Farms, Inc., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.

B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.

C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on February 22, 2005, being the same date that the district was established.

D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.

E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said excedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.

F. This resolution of approval is considered by the City Commission on February 22, 2005, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.

G. The applicant, Van Slooten Tree Farms, Inc., is not delinquent any taxes related to the facility.

H. The exemption to be granted by this resolution is for eleven (11) years.

I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

J. Commencement of the rehabilitation has not occurred before the establishment of the district.

K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.

L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.

M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by February 22, 2006, or one year after the Certificate is issued, whichever occurs later.

N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Van Slooten Tree Farms, Inc., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of eleven (11) years;

2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;

3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on February 22, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

Attachment A: Certificate

That part of lots 5 & 6 of Block 330, Revised Plat (1903) of the City of Muskegon, Muskegon County, Michigan, as recorded in Liber 3 of Plats on Page 71, Muskegon County Records, more particularly described as: Beginning at the most Westerly corner of said Block 330; thence N57 degrees 19'10" E76.3 feet along the Northwesterly line of Block 330; thence S32 degrees36'06"E 76.3 feet parallel with the Northeasterly line of the Southeasterly 14 feet of lot 4 of said Block 330; thence S57degrees19'14"W 76.3 feet; thence N32 degrees34'20" W 76.3 feet along the Southwesterly line of block 330 to the Point of Beginning.

Date: February 22, 2005

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Public Hearing
Create Special Assessment District for:
Fair St., Torrent to Addison

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-19(c)

Resolution At First Hearing Creating Special Assessment District
For **Fair Street, Torrent to Addison**
(Keep width at 20 feet)

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

RECITALS:

1. A hearing has been held on **February 22, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.

2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.

3. At the hearing held **February 22, 2005,** there were 43.25% 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 Gawron and Davis and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **20.74%** of the cost of the street improvement will be paid by special assessments.

5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 22, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

EXHIBIT A

Fair St., Torrent to Addison

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Fair St. from Torrent to Addison.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Fair Ave. Torrent St. to Addison St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF FEBRUARY, 2005.

Gail A. Kundinger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
7th DAY OF March, 2005.

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 district be created for the following project:

FAIR AVE., TORRENT ST. TO ADDISON ST.

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

All parcels abutting Fair Ave. from Torrent St. to Addison St.

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 22, 2005 AT 5:30 O'CLOCK P.M***

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

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

PUBLISH: **February 12, 2005** Gail Kundinger, 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. Kundinger, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

ENGINEERING FEASIBILITY STUDY

For

Fair St., Torrent to Addison

The proposed "Milling & resurfacing" Work on Fair between Torrent & Addison was a city initiated and part of the adopted CIP project list. This project was initially selected for only a milling & resurfacing to improve the surface conditions and to prolong it's life-cycle. However, when design started, we felt that widening the street by 3' (on the north side) would enhance the street's appearance as well as make it more suitable to vehicular and brought it closer to be in compliance with established standards. The existing width of pavement, which was constructed back in 1949, is 20' from back of curb to back of curb, the new pavement will be, if the district is created, 23' back of curb to back of curb giving the vehicles traffic closer to 10' of travel lane instead of the 9' they presently have.

The PCI for this section of roadway makes the proposed work of, Milling & resurfacing, an ideal method of preserving the roadway. The proposed work consists of;

The proposed improvements consist of the following;

1. Removal of the entire surface and the northerly curb & gutter section along with some on the southerly section to improve drainage.
2. minor water & sewer work
3. construct a new curb and gutter that is 3' north of the existing northerly curbs
4. Grade existing sub-base and the placement of two (2) 1.5" of asphalt courses.

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

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

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

The preliminary cost estimate for the work associated with paving is approximately $100,000 with the length of the project being approximately 1000 lineal feet or 1391.08 of assessable footage. This translates into an estimated improvement cost of $72 per assessable foot. The assessment figure will be at a cost not to exceed $14.91 per assessable foot. This figure is prorated due to the fact that the proposed width of the street is only 23' rather than the standard 27' for which the assessment would be @ $17.50 according to the 2005 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

February 9, 2005

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the mill and resurface of Fair Avenue between Torrent Street and Addison Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 9, 2005.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of $17.50 for the mill and resurface of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of $19.07. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

Vicki A. Emery

Vicki A Emery, CMAE 3

Senior Appraiser

EQUALIZATION DEPARTMENT • 173 E. APPLE AVE., BUILDING C • MUSKEGON, MI 49442
(231) 724-6386 • FAX (231) 724-1129

February 11, 2005

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

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

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

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

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

A public hearing is also scheduled for this project on FEBRUARY 22, 2005. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

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

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

February 11, 2005

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

Parcel Number 24-205-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:

FAIR AVE., TORRENT ST. TO ADDISON ST.

The proposed special assessment district will be located as follows:

All parcels abutting Fair Ave. from Torrent St. to Addison St.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on FEBRUARY 22, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is $100,000.00 of which approximately 24.35% ($24,343.90) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

Mohammed al-Shatel

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
FAIR AVE., TORRENT ST. TO ADDISON ST. – H-1598
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
FAIR AVE. TORRENT ST. TO ADDISON ST.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

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

Application Requirements:

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

2004

65% MEDIAN HOUSEHOLD INCOME CHART

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

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

- ✓ **Applicants must submit proof of current property insurance**.

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title:	FAIR AVE., TORRENT ST. TO ADDISON ST.
Project Description:	MILL & RESURFACE -- widen street by 3' to the north

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	24-205-XXX-XXXX-XX	
Assessable Frontage:	35.3	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$617.75**	

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 626
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	______________	CoOwner/Spouse	______________
Signature	______________	Signature	______________
Address	______________	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 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2096 ESTES ST	
Parcel Number	24-205-622-0011-00	
Assessable Frontage:	62	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$1,085.00**	

RECEIVED

City Clerks

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 1/2 LOT 11 BLK 622

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 Jon Livingston CoOwner/Spouse

Signature Jon Livingston Signature

Address 2096 Estes 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 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2096 BOURDON ST	
Parcel Number	24-205-611-0010-00	
Assessable Frontage:	66	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$1,155.00**	

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 611
LOT 10

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR ☐ I AM OPPOSED ☒

Owner George Doubles CoOwner/Spouse Evelyn Doubles

Signature George Doubles Signature Evelyn Doubles

Address 1351 Marianne Av Address 1351 Marianne Ave.

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	1827 FAIR AVE	
Parcel Number	24-235-001-0032-00	
Assessable Frontage:	41.33	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$723.28**	

Property Description

CITY OF MUSKEGON
DRIVING PARK SUB DIV
BEING A SUB DIVISION OF THE
W 2/3 OF THE N 1/2 BLK 621
LOT 32 BLK 1

RECEIVED
S
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR ☒ I AM OPPOSED ☐

Owner [signature] Co-Owner/Spouse ______

Signature [signature] Signature ______

Address 1827 Fair Ave Address ______

Muskegon, MI 49441

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 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	1857 FAIR AVE	
Parcel Number	24-235-002-0001-00	
Assessable Frontage:	41.33	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$723.28**	

RECEIVED

City Clerks Office

Property Description

CITY OF MUSKEGON
DRIVING PARK SUB DIV
BEING A SUB DIVISION OF THE
W 2/3 OF THE N 1/2 BLK 621
LOT 1 BLK 2

Your vote COUNTS!

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

I AM IN FAVOR ☐ I AM OPPOSED ☒

Owner		CoOwner/Spouse	Mary Dix
Signature		Signature	Brenda Robertson
Address		Address	1857 Fair Ave

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2094 BLODGETT ST	
Parcel Number	24-205-623-0010-00	
Assessable Frontage:	41.35	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$723.63**	

RECEIVED

City Clerk

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 623
THAT PT OF LOTS 10-11 W OF A LN
COM ON NLY LN LOT 10
91 FT NELY OF NW COR LOT 10

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 C. DOUGLAS BERNDT CoOwner/Spouse PATRICIA L. BERNDT

Signature C. Douglas Berndt Signature Patricia L. Berndt

Address 2094 BLODGETT ST Address 2094 BLODGETT ST

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	1813 FAIR AVE	
Parcel Number	24-235-001-0001-00	
Assessable Frontage:	41.33	Feet
Estimated Frontage Cost:	$17.50	per Foot $19.31
ESTIMATED TOTAL COST	**$723.28**	

Property Description

CITY OF MUSKEGON
DRIVING PARK SUB DIV
BEING A SUB DIVISION OF THE
W 2/3 OF THE N 1/2 BLK 621
LOTS 1 & 2 BLK 1

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR [X]   I AM OPPOSED [ ]

Owner	Joe White	CoOwner/Spouse	
Signature	Joe White	Signature	
Address	1813 Fair Ave	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 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2089 ADDISON ST	
Parcel Number	24-205-611-0011-00	
Assessable Frontage:	66	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$1,155.00**	

RECEIVED

City Clerk

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 611
LOT 11
& S 1/2 LOT 12

Your vote COUNTS!

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

I AM IN FAVOR [X] I AM OPPOSED [ ]

Owner THOMAS C. WITMER CoOwner/Spouse Deborah J. Witmer

Signature Thomas C. Witmer Signature Deborah J. Witmer

Address 2089 ADDISON ST. Address 2089 Addison St

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2107 BOURDON ST	
Parcel Number	24-295-000-0001-00	
Assessable Frontage:	62.2	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$1,088.50**	

RECEIVED
21
City Clerks Office

Property Description

CITY OF MUSKEGON
ESTES SUB DIV OF THE E 1/3
OF THE N 1/2 OF BLK 621
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 Daniel C. Dobberstein CoOwner/Spouse Pamela Pitrain-Dobberstein

Signature Daniel C. Dalberstein Signature Pamela Pitraino-Dobberstein

Address 2107 Bourdon Address 2107 Bourdon

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

23

Need a 4 way Stop Fair & Bourdon

I am opposed partially because there is no deterent for people too slow down on Fair they turn onto Fair of addison and race to Torrent. Everyone [illegible] slow down on Fair & Bourdon not

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2091 ESTES ST	
Parcel Number	24-205-623-0011-00	
Assessable Frontage:	58.53	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$1,024.28**	

RECE
FO
City Clerks

RECEIVED
FEB 18 2005
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 623
THAT PART OF LOTS 10 & 11
E OF A LINE
COM ON NLY LINE LOT 10

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 IDA BORGESON CoOwner/Spouse ______

Signature Ida Borgeson Signature ______

Address 2091 ESTES ST. Address ______

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	2091 BOURDON ST	
Parcel Number	24-205-622-0010-00	
Assessable Frontage:	35.5	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$621.25**	

RECEIVED

City Clerks Office

RECEIVED

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
E 71 FT LOT 10 BLK 622

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	Alan W. Johnson	CoOwner/Spouse	SANDRA L. JOHNSON
Signature	Alan W. Johnson	Signature	Sandra L. Johnston
Address	2091 Bourdon St.	Address	2091 Bourdon St.

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	1872 FAIR AVE	
Parcel Number	24-205-626-0007-00	
Assessable Frontage:	181.67	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$3,179.23**	

RECEI[illegible]

City Clerks [illegible]

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 7 BLK 626

Your vote COUNTS!

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

I AM IN FAVOR ☐ I AM OPPOSED ☒

Owner: Donald R Johnson Jr. CoOwner/Spouse: René Louise Johnson

Signature: Donald R Johnson Jr. Signature: René Louise Johnson

Address: 1872 FAIR AVE Address: 1872 Fair Ave

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

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

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

Return This Card By: FEBRUARY 22, 2005

Project Title: FAIR AVE., TORRENT ST. TO ADDISON ST.

Project Description: MILL & RESURFACE -- widen street by 3' to the north

INSTRUCTIONS

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Assessment Information

Property Address:	1768 FAIR AVE	
Parcel Number	24-205-622-0010-10	
Assessable Frontage:	53	Feet
Estimated Front Foot Cost:	$17.50	per Foot
ESTIMATED TOTAL COST	**$927.50**	

RECEIVED
FEB 17 2005
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 10 EXC E 71 FT TH'OF BLK 622

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 Sandra R. Chatteen CoOwner/Spouse

Signature Sandra R. Chatteen Signature

Address 1768 Fair Ave. Address

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

February 15

I live at 1768 Fair; between Bourdon & Estes. I have no sidewalk, only a small terrace. If the street is made wider at all my front gate will open onto the street, there will be nowhere for the plow to put snow & nowhere to put my trash dumpster. I wouldn't be able to walk in front of my house. I am very much opposed to this work.

Sandra Chatteen

H-1598 - FAIR AVE., TORRENT ST. TO ADDISON ST

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE
TOTAL ASSESSABLE FRONT FOOTAGE	1391.08 ***	
FRONT FEET OPPOSED	601.58	43.25%
RESPONDING FRONT FEET IN FAVOR	148.66	10.69%
NOT RESPONDING - FRONT FEET IN FAVOR	640.84	46.07%
TOTAL FRONT FEET IN FAVOR	789.50	56.75%

TOTAL NUMBER OF PARCELS - 25

FOR					OPPOSE				
LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
10	2089	ADDISON	24-205-611-0011-00	66.00	4	2094	BLODGETT	24-205-623-0010-00	41.35
21	1813	FAIR	24-235-001-0001-00	41.33	8	2091	BOURDON	24-205-622-0010-00	35.50
19	1827	FAIR	24-235-001-0032-00	41.33	9	2096	BOURDON	24-205-611-0010-00	66.00
					23	2107	BOURDON	24-295-000-0001-00	62.20
					5	2091	ESTES	24-205-623-0011-00	58.53
					6	2096	ESTES	24-205-622-0011-00	62.00
					7	1768	FAIR	24-205-622-0010-10	53.00
					16	1857	FAIR	24-235-002-0001-00	41.33
					2	1872	FAIR	24-205-626-0007-00	181.67
TOTALS				148.66					601.58

TABULATED AS OF: 04:28 PM

SPECIAL ASSESSMENT

H 1598

MILL & RESURFACE widen street 3' HEARING DATE FEBRUARY 22, 2005

FAIR AVE., TORRENT ST. TO ADDISON ST.

1		KUHAREVICZ JOSEPH R		ASSESSABLE FEET:	35.3
24-205-626-0006-00		2090 TORRENT ST		COST PER FOOT:	$14.91
@ 2090.	TORRENT S	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$526.32
No 2		JOHNSON DONALD JR/RENE L		ASSESSABLE FEET:	181.67
24-205-626-0007-00		1872 FAIR AVE		COST PER FOOT:	$14.91
@ 1872.	FAIR AVE	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$2,708.70
3		DAVID KEVIN A		ASSESSABLE FEET:	71.83
24-205-626-0008-00		2085 BLODGETT ST		COST PER FOOT:	$14.91
@ 2085.	BLODGETT	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$1,070.99
No 4		BERNDT CLARENCE A		ASSESSABLE FEET:	41.35
24-205-623-0010-00		2094 BLODGETT ST		COST PER FOOT:	$14.91
@ 2094.	BLODGETT	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$616.53
No 5		BORGESON IDA		ASSESSABLE FEET:	58.53
24-205-623-0011-00		2091 ESTES ST		COST PER FOOT:	$14.91
@ 2091.	ESTES ST	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$872.68
No 6		LIVINGSTON JON T		ASSESSABLE FEET:	62
24-205-622-0011-00		2096 ESTES ST		COST PER FOOT:	$14.91
@ 2096.	ESTES ST	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$924.42
No 7		CHASTEEN SANDRA R		ASSESSABLE FEET:	53
24-205-622-0010-10		1768 FAIR AVE		COST PER FOOT:	$14.91
@ 1768.	FAIR AVE	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$790.23

FAIR AVE., TORRENT ST. TO ADDISON ST.

No 8	JOHNSON SANDRA/ALAN	ASSESSABLE FEET:	35.5
24-205-622-0010-00	2091 BOURDON ST	COST PER FOOT:	$14.91
@ 2091. BOURDON S	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$529.31
No 9	DOUBLES GEORGE/EVELYN	ASSESSABLE FEET:	66
24-205-611-0010-00	1351 MARIANNE AVE	COST PER FOOT:	$14.91
@ 2096. BOURDON S	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$984.06
Yes 10	WITMER THOMAS C	ASSESSABLE FEET:	66
24-205-611-0011-00	2089 ADDISON ST	COST PER FOOT:	$14.91
@ 2089. ADDISON S	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$984.06
11	GAWLIK ALFRED	ASSESSABLE FEET:	41.6
24-235-002-0030-00	1954 LETART AVE	COST PER FOOT:	$14.91
@ 1887. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$620.26
12	GAWLIK ALFRED	ASSESSABLE FEET:	41.6
24-235-002-0031-00	1954 LETART AVE	COST PER FOOT:	$14.91
@ 1885. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$620.26
13	FREES ANDREW J	ASSESSABLE FEET:	41.6
24-235-002-0032-00	1879 FAIR AVE	COST PER FOOT:	$14.91
@ 1879. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$620.26
14	MCCLEES PHYLLIS	ASSESSABLE FEET:	41.33
24-235-002-0003-00	577 STRAWBERRY LN	COST PER FOOT:	$14.91
@ 1871. FAIR AVE	MUSKEGON MI 49442	ESTIMATED P.O. COST:	$616.23

FAIR AVE., TORRENT ST. TO ADDISON ST.

15	LOSS THERESA	ASSESSABLE FEET:	41.33
24-235-002-0002-00	1863 FAIR AVE	COST PER FOOT:	$14.91
@ 1863. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23
16	DEC MARY/ROBERTSON BARBA	ASSESSABLE FEET:	41.33
24-235-002-0001-00	1083 ASPEN	COST PER FOOT:	$14.91
@ 1857. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23
17	PRZYBYLEK RICHARD JR	ASSESSABLE FEET:	41.33
24-235-001-0030-00	1843 FAIR AVE	COST PER FOOT:	$14.91
@ 1843. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23
18	HORNIK CHRIS J/JACQUELINE B	ASSESSABLE FEET:	41.33
24-235-001-0031-00	1833 FAIR AVE	COST PER FOOT:	$14.91
@ 1833. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23
19	LAVASSUER JANIS WHITE	ASSESSABLE FEET:	41.33
24-235-001-0032-00	1827 FAIR AVE	COST PER FOOT:	$14.91
@ 1827. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23
20	DRL LLC	ASSESSABLE FEET:	41.33
24-235-001-0003-00	3924 APPLEWOOD LN	COST PER FOOT:	$14.91
@ 1819. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23
21	WHITE JOSEPH	ASSESSABLE FEET:	41.33
24-235-001-0001-00	1813 FAIR AVE	COST PER FOOT:	$14.91
@ 1813. FAIR AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	$616.23

MILL & RESURFACE widen street 3' HEARING DATE FEBRUARY 22, 2005

FAIR AVE., TORRENT ST. TO ADDISON ST.

22	TORREY CAMILLE		ASSESSABLE FEET:	62
24-295-000-0024-00	2106 ESTES ST		COST PER FOOT:	$14.91
@ 2106. ESTES ST	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$924.42
23	DOBBERSTEIN DANIEL/PATRICI		ASSESSABLE FEET:	62.2
24-295-000-0001-00	2107 BOURDON ST		COST PER FOOT:	$14.91
@ 2107. BOURDON S	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$927.40
24	BLAKEMAN JASON E		ASSESSABLE FEET:	70.13
24-205-612-0001-00	2112 BOURDON ST		COST PER FOOT:	$14.91
@ 2112. BOURDON S	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$1,045.64
25	MENEHAN WILLIAM		ASSESSABLE FEET:	70.13
24-205-612-0010-00	2107 ADDISON ST		COST PER FOOT:	$14.91
@ 2107. ADDISON S	MUSKEGON	MI 49441	ESTIMATED P.O. COST:	$1,045.64

SUM OF ASSESSABLE FOOTAGE: 1391.08 **SUM OF ESTIMATED P.O. COST:** $20,741.00

TOTAL NUMBER OF ASSESSABLE PARCELS 25.00

Commission Meeting Date: February 22, 2005

Date: **January 13, 2005**

To: **Honorable Mayor & City Commission**

From: **Planning & Economic Development Department** CBC

RE: **The passing of a resolution to designate the Port City Industrial Park as an Neighborhood Enterprise Zone**

SUMMARY OF REQUEST: To approve a resolution designating the Port City Industrial Park as a Neighborhood Enterprise Zone.

FINANCIAL IMPACT: There is no direct financial impact in approving the designation of the Port City Industrial Park as a Neighborhood Enterprise Zone.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: None

CITY OF MUSKEGON
Resolution No. 2005-20(a)

A Resolution approving a Neighborhood Enterprise Zone

WHEREAS, pursuant to Public Act 147 of the Michigan Public Acts of 1992, MCL 207.771, as amended, et seq., the Neighborhood Enterprise Zone Act, establishing a Neighborhood Enterprise Zone provides exemption from ad valorem property taxes and levy of a specific property tax in lieu thereof on structures which qualify for certificates under the act; and

WHEREAS, the City Commission hereby finds that the designation of the area within the City's Neighborhood Enterprise Zone is consistent with the Master Plan of the City and with the City's Neighborhood Preservation and Economic Development Goals; and

WHEREAS, the City has previously adopted a statement of its goals, objectives and policies relative to the maintenance, preservation, improvement, and development of housing for all persons regardless of income level living within the proposed Neighborhood Enterprise Zones; and

WHEREAS, the City Commission has previously adopted an amendment to its Housing Maintenance Code requiring that no sale of a property subject to a Neighborhood Enterprise Zone certificate may be finalized until compliance with local construction or safety codes has been accomplished; and

WHEREAS, the City Commission desires to take advantage of the Neighborhood Enterprise Zone Act and recognizes the requirement that the designation of the Neighborhood Enterprise Zone be approved by resolution adopted by it. Further, the City recognizes and acknowledges that a public hearing as required by the act has been accomplished.

NOW, THEREFORE, BE IT RESOLVED that the following area is hereby approved as a Neighborhood Enterprise Zone for new facilities as defined within the Neighborhood Enterprise Zone Act and as allowed in accordance with Section 3(2) of the Act:

All that Area within the City of Muskegon, East of the U.S. – 31 Highway right-of-way and South of E. Laketon Avenue, Muskegon, MI

Adopted this 22nd day of February, 2005.

2005-20(a)

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

Nays None

Absent Warmington

City of Muskegon

BY: ____________________

Stephen J. Warmington, Mayor

ATTEST: Gail A. Kundinger

Gail A. Kundinger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on February 22, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Gail A. Kundinger

Gail A. Kundinger, City Clerk

Commission Meeting Date: February 22, 2005

Date: **February 14, 2005**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Request for Final Planned Unit Development approval at the former Muskegon Mall site, 100 Muskegon Mall.**

SUMMARY OF REQUEST:

The request for Final Planned Unit Development (PUD) approval at the former mall site is for a mixed use residential and commercial development. The request is by Chris McGuigan, Downtown Muskegon Development Corporation.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends final approval of the PUD provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the attached resolution, at their February 10, 2005 meeting. The vote was unanimous.

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

February 10, 2005

Hearing; Case 2005-07: Request for final Planned Unit Development approval for a mixed use residential and commercial development on the former Muskegon Mall Property (100 Muskegon Mall) by, Chris McGuigan (Downtown Muskegon Development Corporation).

BACKGROUND

Applicant: Downtown Muskegon Development Corporation, Chris McGuigan, 425 W. Western Avenue, Muskegon

Property Address/Location: 100 Muskegon Mall (Former Muskegon Mall site)

Request: Final Planned Unit Development (PUD) Approval

Present Land Use: Vacant

Zoning: B-3, Central Business

STAFF OBSERVATIONS

1. The subject property is the site of former Muskegon Mall, encompassing approximately eight blocks downtown.
2. The Preliminary PUD was approved by both the Planning Commission and City Commission in August 2004.
3. Five vacant buildings remain on the site, and are original to Muskegon's downtown.
4. A copy of "DMDC Design Standards" was submitted as part of the request. The applicant wishes to adopt these standards as part of the Final PUD.
5. The applicant provided staff with a "General Explanation of Submittal", as well as a "Proposed Features and Vision" statement, copies of which are enclosed. These documents could be incorporated into the final approval, as well.
6. What the applicant would like to accomplish through the Final PUD process is gain approval for the proposed locations of all streets, sidewalks, parking areas, service drives, and building locations.
7. There are 914 parking spaces proposed for the site. The old Muskegon Mall site had approximately 1,032 spaces.
8. The site is located in the "Downtown Parking Overlay District", which means any uses, except residential, may use on-street parking for up to 30% of their required parking area.
9. Also, "parking areas for other than single, or two-family residential uses may be located up to 1,000 feet from the building they are intended to serve and may be provided in any zoning district except the R-1 district".
10. Planned Unit Developments are meant to be a "living, breathing" document. They can be

amended and, in this case, staff foresees many amendments in the future as the individual properties are sold to individual developers.

11. The Department of Public Works has no issues with the site plan provided.
12. The Police Department has no issues with the site plan provided.
13. Engineering has submitted no comments regarding this site plan.
14. The Fire Department has the following comments: 1) The project shall comply with MFPA 1141, Standards for Fire Protection in planned building groups; 2) Fire flow test shall be conducted asap, with the assistance of the DPW, to determine availability of hydrants and over all water supply. Report shall be submitted to the local Fire Marshall and Fire Chief for review.
15. An e-mail was received from Kurt Peiczynski, 297 W. Clay, unit #412. Staff will provide a copy at the meeting.

ORDINANCE EXCERPTS

SECTION 2101: DEVELOPMENT OPTIONS

1. Planned Unit Development (PUD) Purpose

The purpose of this option is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Muskegon and encourage the use, reuse, and improvement of existing sites and buildings when the uniform regulations contained in zoning districts do not provide adequate protection and safeguards for the site or surrounding area.

This option is intended to accommodate developments with mixed or varied uses, to allow some degree of flexibility in the application of standards and regulations in this Ordinance to achieve innovation to development on sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this option is sought primarily to avoid the imposition of standards and requirements of zoning classifications rather than to achieve the stated purposes above.

a. Planned Unit Development Regulations, Standards and Requirements

1) The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

2) The application shall meet the criteria established in each specified zoning district.

b. PUD Review Procedures

1) A petition for a PUD approval shall be submitted in accordance with Section 2332 of this ordinance.

2) The review shall be in two phases:

3) The preliminary phase shall involve a review of a conceptual PUD plan to determine its suitability.

4) The final phase shall require a detailed development plan for any part of the approved conceptual PUD plan.

c. Standards for Approval of PUD Plans

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards.

1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.

2) The uses proposed should be consistent with the land use plans adopted by the City.

3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.

7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

2. Preliminary PUD Plan Submission

The applicant shall submit together with the application for PUD preliminary phase approval:

a. A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features.

1) Approval by the Planning Commission of the PUD Preliminary Plan shall remain in effect for a period not to exceed three (3) years from the date of approval.

3. Final PUD Plan Submission

The applicant shall submit together with the application for PUD final phase approval, development plans in sufficient detail and in so far as possible the specific locations and dimensions of:

a. all streets, sidewalks, public and private utilities, parking areas, truck docks and service drives;

b. all buildings and structures, elevations and spacial relationships;

c. landscaping, buffers, fences, and protective walls;

d. open space areas and other significant environmental features;

e. existing and final topographic changes;

f. identification and directional signage:

g. a property survey prepared and certified by a licensed land surveyor;

4. Amendments to an Approved Final PUD Plan

a. Incidental or minor changes may be approved by the Planning Commission if the proposed modifications do not alter the basic design or land uses of the plan.

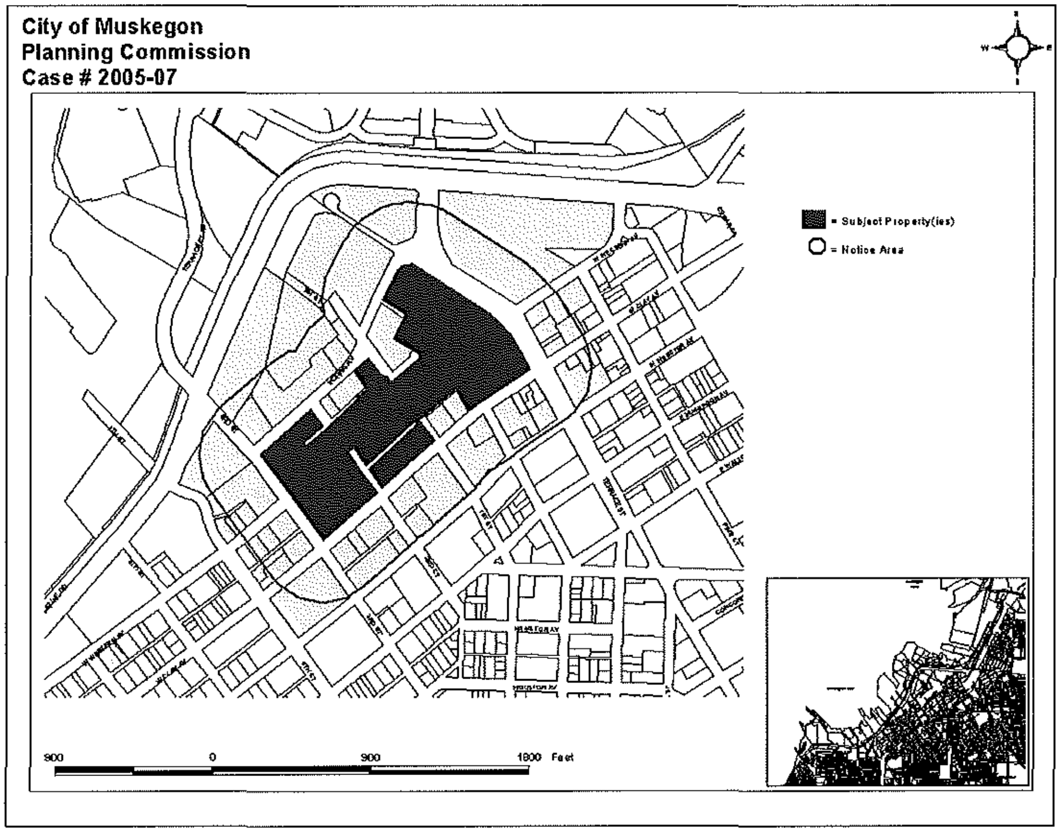
b. If the Planning Commission determines that the proposed modifications are significant or major, a public notice and public hearing in accordance with Section 2332 must be conducted prior to approval or denial.

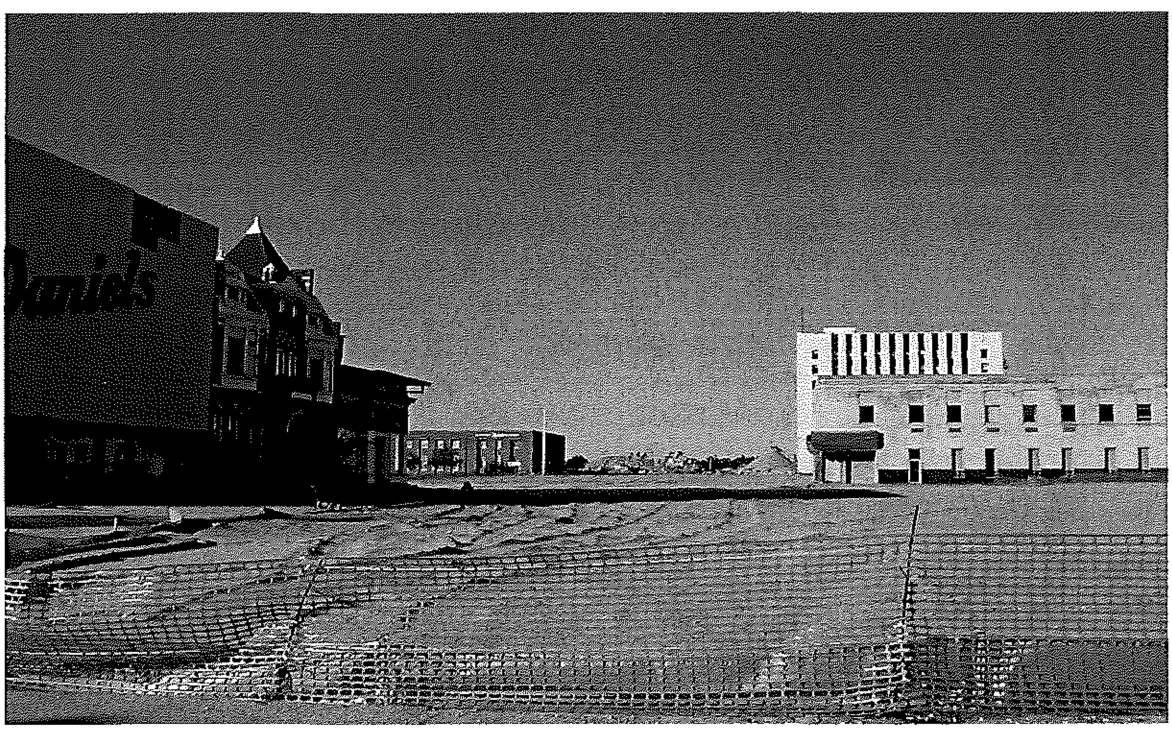
5. PUD Development Time Limits

a. Construction of the improvements shown on the approved final PUD plan with all proposed buildings, parking areas, landscaping and infrastructure must commence within one year of approval by the City Commission.

b. Construction must be continued in a reasonable, diligent manner and be completed within five (5) years.

c. Said five (5) year period may be extended if applied for in writing by the petitioner and granted by the City Commission following public notice and public hearing in accordance with Section 2332 of this ordinance. Failure to secure an extension shall result in a stoppage of all construction.


City of Muskegon
Planning Commission
Case # 2005-07
= Subject Property(ies)
= Notice Area
900 0 900 1800 Feet



RECOMMENDATION
Staff recommends approval of the Final PUD request based upon the above staff review of the "Standards for Approval of PUD Plans", and "Final PUD Plan Submission" requirements subject to the conditions offered below.

DELIBERATION
Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.

2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.

3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.

4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
    a. proper ingress and egress
    b. sufficient parking areas, streets, roads and alleys
    c. screening walls and/or fences
    d. adequate fire and police protection
    e. provisions for disposal of surface water run-off, sanitary sewage
    f. adequate traffic control and maintenance services
    g. preserves property values to related or adjoining properties.

MOTION FOR CONSIDERATION

I move that the final PUD and associated site plan and documents for 100 Muskegon Mall (former Muskegon Mall site) be (approved/denied) pursuant to the determination of (compliance/lack of compliance) with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions (only if approved):

1. The "General Explanation of Submittal", "Proposed Features and Vision", as well as "DMDC Design Standards", provided by the applicant, be adopted as part of this request.
2. The project shall comply with MFPA 1141, Standards for Fire Protection in planned building groups.
3. Fire flow test shall be conducted asap, with the assistance of the DPW, to determine availability of hydrants and over all water supply. Report shall be submitted to the local Fire Marshall and Fire Chief for review.
4. Detailed landscaping plans be submitted to the Planning Department along with the site plan, as each parcel is developed and the PUD amended.

CITY OF MUSKEGON

RESOLUTION #2005- 21(a)

RESOLUTION FOR FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR 100 MUSKEGON MALL, FORMER MUSKEGON MALL SITE.

WHEREAS, a petition for a planned unit development was received from Chris McGuigan, Downtown Muskegon Development Corporation; and,

WHEREAS, a planned unit development will allow a mixed use residential and commercial development; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the Final Planned Unit Development and associated conceptual site plan, with conditions as follows:

1. The "General Explanation of Submittal", "Proposed Features and Vision", as well as "DMDC Design Standards", provided by the applicant be adopted as part of this request.
2. The project shall comply with MFPA 1141, Standards for Fire Protection in planned building groups.
3. Fire flow test shall be conducted asap, with the assistance of the DPW, to determine availability of hydrants and over all water supply. Report shall be submitted to the local Fire Marshall and Fire Chief for review.
4. Detailed landscaping plans be submitted to the Planning Department along with the site plan, as each parcel is developed and the PUD amended.
5. The PUD applies to the properties owned by the DMDC only.
6. The DMDC will make the best effort possible to work with existing property owners, including the County of Muskegon, the U. S. Postal Service, and the owners of the Ameribank building regarding short and long term parking needs both on and off the site.
7. For the parking area bounded by Third, Second, Clay and Morris Streets, the DMDC will ensure, to the greatest extent possible, that the current number of surface parking spaces (283) will be maintained by new surface or parking structure spaces, in order to satisfy the needs of Walker Arena, the Frauenthal Theater, the Holiday Inn, and new development.

2005-21(a)

NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the final planned unit development is hereby approved.

Adopted this 22nd day of February, 2005

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

Nays: None

Absent: Warmington

By: ______________________
Stephen J. Warmington
Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC
City Clerk

CERTIFICATE (Final PUD for 100 Muskegon Mall, former Muskegon Mall Site.)

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 a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of February, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: March 7, 2005.

Gail Kundinger
Gail Kundinger, MMC
Clerk, City of Muskegon

Date: February 22, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Final Amendments to 2004 Budget

SUMMARY OF REQUEST: Adoption of the attached year-end amendments to the City's 2004 Budget to assure compliance with the State *Uniform Budget Act.* This act requires that budgets for "governmental-type" funds (i.e. general fund and special revenue funds) be amended so that expenditures are not reported in the City's audit as exceeding legal appropriations.

FINANCIAL IMPACT: These budget amendments establish the final 2004 authorized revenue estimates and spending limits for the various City departments and funds. The attached schedule shows how the amended budget varies from the original budget (and subsequent budget reforecasts) previously approved by the City Commission.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

Finance
Administration

Memo

To: City Commission

From: Finance Director

Date: February 16, 2005

Re: 2004 Final Budget Amendments

Attached is a copy of the city's final 2004 amended budget. The city was able to manage through a very tough economy and maintain the general fund balance level at the policy target of 10% of prior-year expenditures. Following are some of the 2004 budget highlights:

Revenues

General Fund revenues totaled $23,377,871 which is $133,011 more than originally budgeted. Three primary general fund revenue sources, when taken together, account for seventy-nine percent of total general fund income: income tax, property tax, and state shared revenues.

City income tax – Income tax revenues were up $462,144 from the prior year and surpassed the $7 million mark for only the second time. The increase is attributable almost entirely to the diligent collection efforts of Income Tax department staff combined with the "A/R amnesty program" which the commission approved in late summer. The downside of these efforts is that about 75% of the increased income tax revenue is to be considered "one-time" and not a recurring income stream to be counted on for 2005.

Property tax – 2004 total property tax revenues were $6,733,653, little changed from the 2003 level ($6,713,432).

State-shared revenue– State shared revenues continued their decline dropping from $4,938,861 in 2003 to $4,651,365, a decrease of $287,496. The city's state revenue-sharing allocation peaked at $5,748,523 in 2002 and has declined $1,097,158 since that time.

Budget Stabilization Fund Transfer– Another key resource in the city's budget picture is the budget stabilization fund. Throughout 2004 it had been anticipated that a $500,000 transfer would be needed to balance the city's budget. The strong performance of the income tax during the latter part of the year reduced the required transfer amount to $250,000, preserving resources for future needs.

<u>Expenditures</u>

General fund expenditures totaled $23,416,869 through December 31, 2004 which is $214,845 less than originally budgeted and $288,465 less than spent in 2003. The actual level of cutbacks was considerably greater since the 2004 expense figure includes a one-time $265,000 write-down of accounts receivable related to previously approved changes in the invoicing process for lot mowing and environmental clean-up activities. Expenses were controlled, even in the face of rapidly rising employee benefit costs, by holding positions vacant, freezing wages for some employees, and eliminating non-essential expenses such as travel. Particularly effective were departments' efforts to control overtime costs: general fund overtime was reduced from $721,822 in 2003 to $508,624 in 2004, a nearly 30% reduction.

In addition to the well-known factors negatively impacting the city's budget (rising benefit costs, state-shared revenues, etc.), you should be aware of the following issues included in the final 2004 budget amendments and which likely will impact future budgets as well:

- Arena/Marina – The LC Walker Arena had, in relative terms, a good year as it was not necessary to further increase the general fund subsidy from the original budgeted amount of $200,000. Hartshorn Marina, however, had poor financial results and we have included in the final 2004 budget amendments a $40,000 transfer to the Marina fund. The state recently granted some relief by allowing us to increase the number of seasonally-rented slips by ten. We will submit again next year to have additional slips moved to seasonal status.

- Sidewalks – As you know, the city is coming to the close of its ambitious citywide sidewalk improvement program. The program was financed by issuing bonds to pay construction costs and levying assessments against benefiting properties to repay the bonds. It was known from the outset that there would ultimately be a gap due to "unassessable" properties that nonetheless received improvements. These include properties that were in tax-reverted status at the time of the assessment (or subsequent to the assessment), some school or otherwise exempted properties and, assessments deemed uncollectible for any other reason. Also impacting the program were the high number of early assessment pay-offs caused by homeowners taking advantage of low interest rates to refinance or sell their homes. Cash currently on hand, together with new collections, is expected to be adequate through 2008. However, staff recommends that we begin now to address the future obligation by transferring $125,000 to the Sidewalk fund as part of the year-end budget amendments.

Finally, I have included 2005 budget figures on the attached schedule for comparison purposes only. At this time there is not enough information available to warrant changes to the 2005 budget. If you have any questions please let me know. Thank you.

CITY OF MUSKEGON
GENERAL FUND

HISTORICAL SUMMARY

Year	Revenues & Transfers In	Expenditures & Transfers Out	Fund Balance at Year-End		
1994	$ 15,301,973	$ 15,572,689	$ 2,026,714		
1995	16,633,179	16,337,586	2,322,307		
1996	17,666,214	18,018,159	1,970,362		
1997	20,437,646	20,358,321	2,049,687		
1998	21,643,855	21,634,467	2,059,075		
1999	21,451,681	22,011,881	1,498,875		
2000	23,685,516	22,232,657	2,951,734		
2001	23,446,611	23,235,978	3,162,367		
2002	23,617,163	23,971,534	2,807,996		
2003	23,328,756	23,705,334	2,431,418	Target	
2004	23,377,871	23,416,869	2,392,420	$ 2,370,533	$ (21,887)

Fiscal 2005 Budget Summary

FUND BALANCE AT START OF YEAR		$ 2,392,420
MEANS OF FINANCING:		
Taxes	14,173,925	60.5%
Licenses and Permits	980,500	4.2%
Federal Grants	184,717	0.8%
State Grants	17,000	0.1%
State Shared Revenue	4,688,657	20.0%
Other Charges	2,157,104	9.2%
Interest & Rentals	215,053	0.9%
Fines and Fees	477,000	2.0%
Other Revenue	457,250	2.0%
Other Financing Sources	80,000	0.3%
	23,431,206	100.0%
ESTIMATED REQUIREMENTS:		
Customer Value Added Activities	17,608,879	75.3%
Business Value Added Activities	4,074,816	17.4%
Fixed Budget Items	1,702,375	7.3%
	23,386,070	100.0%
ESTIMATED FUND BALANCE AT END OF YEAR		$ 2,437,556
OPERATING DEFICIT (USE OF FUND BALANCE)		$ 45,136
TARGET FUND BALANCE (10% PRIOR YEAR EXPENDITURES)		$ 2,341,687
ESTIMATED EXCESS (SHORTFALL) vs. TARGET		$ 95,869

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Revenue Summary By Source

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
Available Fund Balance - BOY	$ 3,162,367	$ 2,807,996	$ 2,707,798	$ 2,431,418	$ 2,431,418	$ (276,380)	$ 2,319,518	
Taxes								
City income tax	$ 6,692,609	$ 6,542,355	$ 6,450,000	$ 7,004,499	$ 7,004,400	$ 554,400	$ 6,650,000	-5.06%
Property taxes - general	4,221,258	4,212,477	4,760,458	4,702,417	4,702,400	(58,058)	5,482,822	16.60%
Property taxes - sanitation	1,788,871	1,805,752	1,570,152	1,551,518	1,551,500	(18,652)	1,589,076	2.42%
Property taxes - pass-through from LDFA II	270,337	157,632	-	-	-	-	-	0.00%
Industrial facilities taxes	388,718	446,557	364,327	398,934	398,900	34,573	357,027	-10.50%
Payments in lieu of taxes	73,191	70,085	80,000	72,816	72,800	(7,200)	80,000	9.89%
Delinquent chargeback collected	30,056	11,886	15,000	7,968	7,900	(7,100)	15,000	89.87%
	$ 13,465,040	$ 13,246,744	$ 13,239,937	$ 13,738,152	$ 13,737,900	$ 497,963	$ 14,173,925	3.17%
Licenses and permits								
Business licenses	$ 31,525	$ 28,455	$ 34,500	$ 33,835	$ 33,800	$ (700)	$ 33,000	-2.37%
Liquor licenses	35,542	36,427	37,500	35,681	35,600	(1,900)	37,500	5.34%
Cable TV franchise fees	258,425	265,532	270,000	333,618	333,600	63,600	260,000	-22.06%
Telecom franchise fees (Act 48)	-	32,024	140,000	-	-	(140,000)	-	0.00%
Rental property registration	-	4,905	5,000	14,584	14,500	9,500	10,000	-31.03%
Property Maintenance Inspection Fees	64,565	91,360	75,000	46,625	46,600	(28,400)	50,000	7.30%
Burial permits	103,636	103,564	110,000	102,702	102,700	(7,300)	110,000	7.11%
Building permits	365,561	275,642	300,000	350,102	350,100	50,100	275,000	-21.45%
Electrical permits	87,788	125,718	135,000	103,989	103,900	(31,100)	100,000	-3.75%
Plumbing permits	66,741	50,030	60,000	50,711	50,700	(9,300)	45,000	-11.24%
Mechanical permits	56,222	94,013	100,000	66,682	66,600	(33,400)	60,000	-9.91%
Cat License	-	-	-	485	400	400	-	-100.00%
Police gun registration	1,230	1,110	1,000	-	-	(1,000)	-	0.00%
	$ 1,071,235	$ 1,108,780	$ 1,268,000	$ 1,139,014	$ 1,138,500	$ (129,500)	$ 980,500	-13.88%
Federal grants								
Federal operational grant	$ 278,308	$ 211,597	$ 100,087	$ 233,157	$ 233,100	$ 133,013	$ 184,717	-20.76%
	$ 278,308	$ 211,597	$ 100,087	$ 233,157	$ 233,100	$ 133,013	$ 184,717	-20.76%
State grants								
Act 302 police training grant	$ -	$ 17,148	$ 17,000	$ -	$ -	$ (17,000)	$ 17,000	0.00%
State operational grant	11,316	6,117	10,000	33,128	33,100	23,100	-	-100.00%
	$ 11,316	$ 23,265	$ 27,000	$ 33,128	$ 33,100	$ 6,100	$ 17,000	-48.64%
State shared revenue								
State sales tax	$ 5,353,987	$ 4,938,861	$ 5,000,000	$ 4,651,365	$ 4,651,300	$ (348,700)	$ 4,688,657	0.80%
	$ 5,353,987	$ 4,938,861	$ 5,000,000	$ 4,651,365	$ 4,651,300	$ (348,700)	$ 4,688,657	0.80%

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Revenue Summary By Source

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
Other charges for sales and services								
Tax administration fees	$ 258,323	$ 264,949	$ 233,000	$ 228,801	$ 228,800	$ (4,200)	$ 233,748	2.16%
Utility administration fees	174,965	183,439	183,439	183,439	183,400	(39)	183,439	0.02%
Reimbursement for elections	24,455	30,648	13,000	15,626	15,600	2,600	13,000	-16.67%
Indirect cost reimbursement	892,080	974,894	1,012,708	1,012,708	1,012,700	(8)	1,035,617	2.26%
Site-plan review fee	1,086	780	1,000	2,700	2,700	1,700	1,000	-62.96%
Sale of cemetery lots	14,988	18,233	20,000	17,324	17,300	(2,700)	20,000	15.61%
Sale of columbarium niches	-	-	-	1,000	1,000	1,000	-	-100.00%
Police miscellaneous	74,044	83,060	65,000	64,685	64,600	(400)	70,000	8.36%
Police impound fees	51,225	65,010	40,000	49,320	49,300	9,300	20,000	-59.43%
Landlord's alert fee	2,630	315	-	40	-	-	-	0.00%
Fire protection-state property	42,052	45,965	42,000	45,423	45,400	3,400	42,000	-7.49%
Zoning fees	13,955	11,880	13,000	18,680	18,600	5,600	13,000	-30.11%
Clerk fees	2,738	2,022	4,035	3,162	3,100	(935)	4,300	38.71%
Clerk - passport fees	-	1,735	2,500	2,550	2,500	-	2,000	-20.00%
Tax abatement application fees	1,423	16,020	6,000	13,636	13,600	7,600	6,000	-55.88%
Treasurer fees	40,635	20,702	33,000	45,909	45,900	12,900	33,000	-28.10%
False alarm fees	17,738	11,429	20,000	12,425	12,400	(7,600)	12,000	-3.23%
Miscellaneous cemetery income	25,569	21,763	24,000	24,722	24,700	700	24,000	-2.83%
Senior transit program fees	7,376	6,651	8,000	6,864	6,800	(1,200)	8,000	17.65%
Township electrical services	-	11,410	-	13,608	13,600	13,600	-	-100.00%
Fire miscellaneous	3,858	13,297	5,000	18,183	18,100	13,100	20,000	10.50%
Sanitation stickers	51,081	49,856	55,000	62,704	62,700	7,700	50,000	-20.26%
Lot cleanup fees	134,156	91,709	70,000	40,633	40,600	(29,400)	70,000	72.41%
Reimbursements for mowing and demolitions	129,421	158,315	70,000	36,820	36,800	(33,200)	70,000	90.22%
Special events reimbursements	-	30,610	-	101,822	101,800	101,800	100,000	-1.77%
Recreation program fees	127,558	116,174	125,101	105,895	105,800	(19,301)	126,000	19.09%
	$ 2,091,356	$ 2,230,866	$ 2,045,783	$ 2,128,679	$ 2,127,800	$ 82,017	$ 2,157,104	1.38%
Interest and rental income								
Interest	$ 181,931	$ 48,505	$ 70,000	$ 17,275	$ 17,200	$ (52,800)	$ 70,000	306.98%
Flea market	27,526	31,867	28,000	31,998	31,900	3,900	29,000	-9.09%
Farmers market	27,783	29,880	28,000	25,829	25,800	(2,200)	32,000	24.03%
City right of way rental	6,400	4,400	4,400	4,400	4,400	-	4,400	0.00%
Parking rentals	24,991	6,017	5,000	3,244	3,200	(1,800)	5,000	56.25%
McGraft park rentals	37,697	41,338	46,288	49,181	49,100	2,812	46,288	-5.73%
Other park rentals	26,232	27,400	28,365	28,838	28,800	435	28,365	-1.51%
	$ 332,560	$ 189,407	$ 210,053	$ 160,765	$ 160,400	$ (49,653)	$ 215,053	34.07%

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Revenue Summary By Source

	Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
Fines and fees								
Income tax - penalty and interest	$ 166,621	$ 194,562	$ 150,000	$ 293,971	$ 293,900	$ 143,900	$ 190,000	-35.35%
Late fees on current taxes	18,006	52,791	25,000	89,452	89,400	64,400	25,000	-72.04%
Interest on late invoices	589	549	750	876	800	50	2,000	150.00%
Parking fines	61,957	71,698	100,000	100,425	100,400	400	100,000	-0.40%
Court fines	146,141	152,082	160,000	137,440	137,400	(22,600)	160,000	16.45%
	$ 393,314	$ 471,682	$ 435,750	$ 622,164	$ 621,900	$ 186,150	$ 477,000	-23.30%
Other revenue								
Sale of land and assets	$ -	$ -	$ 1,000	$ -	$ -	$ (1,000)	$ 1,000	0.00%
Police sale and auction proceeds	3,089	1,139	4,000	1,577	1,500	(2,500)	4,000	166.67%
CDBG program reimbursements	372,492	234,073	267,000	291,983	291,900	24,900	400,000	37.03%
Contributions	31,619	35,461	11,000	18,030	18,000	7,000	11,000	-38.89%
Contributions - Veteran's Park Maintenance	-	14,232	17,250	20,449	20,400	3,150	17,250	-15.44%
Muskegon County Community Foundation	13,521	33,000	7,000	8,000	8,000	1,000	8,000	0.00%
Miscellaneous reimbursements	-	-	1,000	-	-	(1,000)	1,000	0.00%
Miscellaneous and sundry	18,341	13,289	15,000	21,249	21,200	6,200	15,000	-29.25%
	$ 439,062	$ 331,194	$ 323,250	$ 361,288	$ 361,000	$ 37,750	$ 457,250	26.66%
Other financing sources								
Operating transfers in								
Cemetery Perpetual Care	$ 56,961	$ 61,360	$ 70,000	$ 43,407	$ 43,400	$ (26,600)	$ 60,000	38.25%
Criminal Forfeitures Fund	-	-	10,000	-	-	(10,000)	10,000	0.00%
Police Training Fund	22,281	-	-	-	-	-	-	0.00%
DDA for Administration	10,000	10,000	10,000	10,000	10,000	-	10,000	0.00%
Reese Playfield Fund	76,746	-	-	-	-	-	-	0.00%
RLF for Administration	5,000	5,000	5,000	6,752	6,700	1,700	-	-100.00%
Budget Stabilization Fund	-	500,000	500,000	250,000	250,000	(250,000)	-	-100.00%
Special Assessment Fund	-	-	-	-	-	-	-	0.00%
Hackley Park Improvement Fund	-		-	-	-	-	-	0.00%
Hackley Park Memorial Fund	9,997		-	-	-	-	-	0.00%
	$ 180,985	$ 576,360	$ 595,000	$ 310,159	$ 310,100	$ (284,900)	$ 80,000	-74.20%
Total general fund revenues and other sources	$ 23,617,163	$ 23,328,756	$ 23,244,860	$ 23,377,871	$ 23,375,100	$ 130,240	$ 23,431,206	0.24%

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
	I. Customer Value Added Activities									
40301	**Police Department**									
5100	Salaries & Benefits	$ 5,848,623	$ 6,068,410	$ 6,834,819	$ 6,620,652	100%	$ 6,621,000	$ (213,819)	$ 7,158,057	8.11%
5200	Operating Supplies	148,091	100,795	147,961	83,880	100%	84,000	(63,961)	99,607	18.58%
5300	Contractual Services	981,682	907,969	920,000	929,723	100%	930,000	10,000	920,000	-1.08%
5400	Other Expenses	73,558	15,774	40,000	27,620	99%	28,000	(12,000)	38,000	35.71%
5700	Capital Outlays	125,512	30,581	15,000	10,742	98%	11,000	(4,000)	5,000	-54.55%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 7,177,466	$ 7,123,529	$ 7,957,780	$ 7,672,617	100%	$ 7,674,000	$ (283,780)	$ 8,220,664	7.12%
		$ 7,177,466	$ 7,123,529	$ 7,957,780	$ 7,672,617	100%	$ 7,674,000	$ (283,780)	$ 8,220,664	7.12%
50336	**Fire Department**									
5100	Salaries & Benefits	$ 2,964,455	$ 3,037,824	$ 3,155,178	$ 3,094,164	100%	$ 3,095,000	$ (60,178)	$ 3,193,875	3.19%
5200	Operating Supplies	105,122	95,604	79,500	80,524	99%	81,000	1,500	72,434	-10.58%
5300	Contractual Services	165,970	187,853	180,000	179,375	100%	180,000	-	170,000	-5.56%
5400	Other Expenses	20,731	12,378	10,000	4,978	100%	5,000	(5,000)	7,500	50.00%
5700	Capital Outlays	57,570	98,132	15,000	241,967	100%	242,000	227,000	45,000	-81.40%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 3,313,848	$ 3,431,791	$ 3,439,678	$ 3,601,008	100%	$ 3,603,000	$ 163,322	$ 3,488,809	-3.17%
50387	**Fire Safety Inspections**									
5100	Salaries & Benefits	$ 693,916	$ 761,792	$ 785,804	$ 780,291	100%	$ 781,000	$ (4,804)	$ 694,082	-11.13%
5200	Operating Supplies	22,393	18,780	24,000	18,942	100%	19,000	(5,000)	20,000	5.26%
5300	Contractual Services	266,610	152,279	244,330	189,915	100%	190,000	(54,330)	208,242	9.60%
5400	Other Expenses	11,903	11,094	7,500	7,758	97%	8,000	500	8,000	0.00%
5700	Capital Outlays	11,536	3,616	3,000	2,150	72%	3,000	-	2,000	-33.33%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 1,006,358	$ 947,561	$ 1,064,634	$ 999,056	100%	$ 1,001,000	$ (63,634)	$ 932,324	-6.86%
		$ 4,320,206	$ 4,379,352	$ 4,504,312	$ 4,600,064	100%	$ 4,604,000	$ 99,688	$ 4,421,133	-3.97%
60523	**General Sanitation**									
5100	Salaries & Benefits	$ 67,465	$ 75,757	$ 75,333	$ 67,480	99%	$ 68,000	$ (7,333)	$ 68,735	1.08%
5200	Operating Supplies	344	109	-	311	31%	1,000	1,000	-	-100.00%
5300	Contractual Services	1,406,612	1,491,309	1,444,802	1,461,415	100%	1,462,000	17,198	1,476,815	1.01%
5400	Other Expenses	794	65	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	44,725	41,399	-	-	N/A	-	-	21,000	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 1,519,940	$ 1,608,639	$ 1,520,135	$ 1,529,206	100%	$ 1,531,000	$ 10,865	$ 1,566,550	2.32%

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
60528	**Recycling**									
5100	Salaries & Benefits			$ -		N/A	$ -	$ -	$ -	0.00%
5200	Operating Supplies			-		N/A	-	-	-	0.00%
5300	Contractual Services	218,067	230,058	140,179	159,996	100%	160,000	19,821	163,527	2.20%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	3,250	-	-	N/A	-	-	1,500	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 218,067	$ 233,308	$ 140,179	$ 159,996	100%	$ 160,000	$ 19,821	$ 165,027	3.14%
60550	**Stormwater Management**									
5100	Salaries & Benefits	$ 7,372	$ 3,835	$ -	$ 2,310	77%	$ 3,000	$ 3,000	$ -	-100.00%
5200	Operating Supplies	-	501	-	-	N/A	-	-	-	0.00%
5300	Contractual Services	16,352	2,569	15,429	9,806	98%	10,000	(5,429)	13,917	39.17%
5400	Other Expenses	-	-	-	75	8%	1,000	1,000	-	-100.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 23,724	$ 6,905	$ 15,429	$ 12,191	87%	$ 14,000	$ (1,429)	$ 13,917	-0.59%
60448	**Streetlighting**									
5100	Salaries & Benefits	$ 12,983	$ 842	$ -	$ -	N/A	$ -	$ -	$ -	0.00%
5200	Operating Supplies	-	-	-	-	N/A	-	-	-	0.00%
5300	Contractual Services	505,079	504,832	515,000	506,590	100%	507,000	(8,000)	533,600	5.25%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	4,350	3,850	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 522,412	$ 509,524	$ 515,000	$ 506,590	100%	$ 507,000	$ (8,000)	$ 533,600	5.25%
60707	**Senior Citizen Transit**									
5100	Salaries & Benefits	$ 44,863	$ 38,746	$ 50,968	$ 39,064	98%	$ 40,000	$ (10,968)	$ 51,847	29.62%
5200	Operating Supplies	-	-	-	-	N/A	-	-	-	0.00%
5300	Contractual Services	10,140	10,140	10,140	10,140	92%	11,000	860	10,140	-7.82%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 55,003	$ 48,886	$ 61,108	$ 49,204	96%	$ 51,000	$ (10,108)	$ 61,987	21.54%
60446	**Community Event Support**									
5100	Salaries & Benefits	$ 31,192	$ 34,581	$ -	$ 29,594	99%	$ 30,000	$ 30,000	$ 32,500	8.33%
5200	Operating Supplies	1,524	2,949	-	2,563	85%	3,000	3,000	2,750	-8.33%
5300	Contractual Services	11,004	17,574	15,429	9,764	98%	10,000	(5,429)	30,470	204.70%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 43,720	$ 55,104	$ 15,429	$ 41,921	97%	$ 43,000	$ 27,571	$ 65,720	52.84%
		$ 2,382,866	$ 2,462,366	$ 2,267,280	$ 2,299,108	100%	$ 2,306,000	$ 38,720	$ 2,406,801	

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
70751	**Parks Maintenance**									
5100	Salaries & Benefits	$ 476,360	$ 478,197	$ 529,253	$ 445,710	100%	$ 446,000	$ (83,253)	$ 467,299	4.78%
5200	Operating Supplies	150,285	140,573	112,695	104,812	100%	105,000	(7,695)	104,300	-0.67%
5300	Contractual Services	601,199	586,465	534,700	590,526	100%	591,000	56,300	505,716	-14.43%
5400	Other Expenses	2,548	168	-	40	4%	1,000	1,000	-	-100.00%
5700	Capital Outlays	152,224	85,387	53,500	57,430	99%	58,000	4,500	54,556	-5.94%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 1,382,616	$ 1,290,790	$ 1,230,148	$ 1,198,518	100%	$ 1,201,000	$ (29,148)	$ 1,131,871	-5.76%
70757	**Mc Graft Park Maintenance**									
5100	Salaries & Benefits	$ 6,059	$ 8,765	$ 16,364	$ 12,017	92%	$ 13,000	$ (3,364)	$ 16,884	29.88%
5200	Operating Supplies	4,135	5,306	4,500	2,396	80%	3,000	(1,500)	4,500	50.00%
5300	Contractual Services	30,762	30,830	25,424	46,024	98%	47,000	21,576	25,497	-45.75%
5400	Other Expenses	56	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	39	-	52	5%	1,000	1,000	-	-100.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 41,012	$ 44,940	$ 46,288	$ 60,489	95%	$ 64,000	$ 17,712	$ 46,881	-26.75%
70775	**General & Inner City Recreation**									
5100	Salaries & Benefits	$ 281,055	$ 290,235	$ 245,139	$ 217,770	100%	$ 218,000	$ (27,139)	$ 216,969	-0.47%
5200	Operating Supplies	58,590	41,843	45,246	39,754	99%	40,000	(5,246)	36,566	-8.59%
5300	Contractual Services	137,912	123,619	100,598	90,280	99%	91,000	(9,598)	98,534	8.28%
5400	Other Expenses	10,375	6,967	2,720	3,042	76%	4,000	1,280	3,800	-5.00%
5700	Capital Outlays	-	2,127	-	32	3%	1,000	1,000	-	-100.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 487,932	$ 464,791	$ 393,703	$ 350,878	99%	$ 354,000	$ (39,703)	$ 355,869	0.53%
70276	**Cemeteries Maintenance**									
5100	Salaries & Benefits	$ 188,401	$ 205,975	$ 214,962	$ 196,792	100%	$ 197,000	$ (17,962)	$ 203,549	3.32%
5200	Operating Supplies	22,607	10,846	14,087	12,079	93%	13,000	(1,087)	17,169	32.07%
5300	Contractual Services	258,681	251,300	229,250	249,830	100%	250,000	20,750	227,750	-8.90%
5400	Other Expenses	1,121	751	-	138	14%	1,000	1,000	-	-100.00%
5700	Capital Outlays	14,626	41,908	21,000	23,461	98%	24,000	3,000	16,490	-31.29%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 485,436	$ 510,780	$ 479,299	$ 482,300	99%	$ 485,000	$ 5,701	$ 464,958	-4.13%
70585	**Parking Operations**									
5100	Salaries & Benefits	$ 14,831	$ 18,010	$ -	$ 2,168	72%	$ 3,000	$ 3,000	$ -	-100.00%
5200	Operating Supplies	1,032	1,738	3,000	199	20%	1,000	(2,000)	3,000	200.00%
5300	Contractual Services	40,972	235,608	20,144	24,974	100%	25,000	4,856	32,040	28.16%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	4,503	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 61,338	$ 255,356	$ 23,144	$ 27,341	94%	$ 29,000	$ 5,856	$ 35,040	20.83%
70357	**Graffitti Removal**									
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	$ -	0.00%
5200	Operating Supplies	-	-	-	513	51%	1,000	1,000	1,000	0.00%
5300	Contractual Services	-	-	-	4,089	82%	5,000	5,000	4,000	-20.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ -	$ -	$ -	$ 4,602	77%	$ 6,000	$ 6,000	$ 5,000	-16.67%

City of Muskegon
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General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
70771	**Forestry**									
5100	Salaries & Benefits	$ 84,297	$ 103,509	$ 59,121	$ 68,860	100%	$ 69,000	$ 9,879	$ -	-100.00%
5200	Operating Supplies	6,024	8,075	8,360	2,971	99%	3,000	(5,360)	-	-100.00%
5300	Contractual Services	13,864	21,692	17,000	14,289	95%	15,000	(2,000)	-	-100.00%
5400	Other Expenses	394	940	800	493	49%	1,000	200	-	-100.00%
5700	Capital Outlays	2,844	2,458	3,500	906	91%	1,000	(2,500)	-	-100.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 107,423	$ 136,674	$ 88,781	$ 87,519	98%	$ 89,000	$ 219	$ -	-100.00%
70863	**Farmers' Market & Flea Market**									
5100	Salaries & Benefits	$ 29,241	$ 30,792	$ 35,285	$ 30,972	100%	$ 31,000	$ (4,285)	$ 21,867	-29.46%
5200	Operating Supplies	1,644	465	-	402	40%	1,000	1,000	280	-72.00%
5300	Contractual Services	14,292	14,462	4,832	16,678	98%	17,000	12,168	8,000	-52.94%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	225	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 45,177	$ 45,944	$ 40,117	$ 48,052	98%	$ 49,000	$ 8,883	$ 30,147	-38.48%
		$ 2,610,934	$ 2,749,275	$ 2,301,480	$ 2,259,699	99%	$ 2,277,000	$ (24,480)	$ 2,069,766	-9.10%
80387	**Environmental Services**									
5100	Salaries & Benefits	$ 173,926	$ 181,136	$ 194,392	$ 125,553	100%	$ 126,000	$ (68,392)	$ 105,855	-15.99%
5200	Operating Supplies	12,389	7,859	9,000	4,744	95%	5,000	(4,000)	6,500	30.00%
5300	Contractual Services	300,582	281,831	200,300	266,724	100%	267,000	66,700	196,500	-26.40%
5400	Other Expenses	1,505	189	-	-	N/A	-	-	500	0.00%
5700	Capital Outlays	16,123	3,396	3,000	35	4%	1,000	(2,000)	3,000	200.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 504,525	$ 474,411	$ 406,692	$ 397,056	100%	$ 399,000	$ (7,692)	$ 312,355	-21.72%
		$ 504,525	$ 474,411	$ 406,692	$ 397,056	100%	$ 399,000	$ (7,692)	$ 312,355	
10875	**Other - Contributions to Outside Agencies**									
	Muskegon Area Transit (MATS)	$ 80,163	$ 80,163	$ 80,500	$ 80,164	99%	$ 81,000	500	$ 80,500	-0.62%
	Neighborhood Association Grants	35,975	29,308	24,000	24,776	99%	25,000	1,000	25,000	0.00%
	Muskegon Area First	46,066	42,000	20,000	20,000	100%	20,000	-	45,660	128.30%
	Veterans Memorial Day Costs	8,070	7,698	8,000	8,022	89%	9,000	1,000	8,000	-11.11%
	WMSRDC - Muskegon Area Plan (MAP)	6,151	-	-	-	N/A	-	-	-	0.00%
	Institute for Healing Racism	4,000	3,000	1,000	1,000	100%	1,000	-	1,000	0.00%
	MLK Diversity Program	-	1,000	1,000	1,000	100%	1,000	-	1,000	0.00%
	Muskegon Area Labor Management (MALMC)	1,000	1,000	1,000	1,000	100%	1,000	-	1,000	0.00%
	Muskegon County and Humane Society - Feral Cat Control	14,157	17,890	16,000	11,332	94%	12,000	(4,000)	16,000	33.33%
	Other	-	-	-	-	N/A	-	-	-	0.00%
	Contributions To Outside Agencies	$ 195,582	$ 182,259	$ 151,500	$ 147,294	98%	$ 150,000	$ (1,500)	$ 178,160	18.77%
		$ 195,582	$ 182,259	$ 151,500	$ 147,294	98%	$ 150,000	$ (1,500)	$ 178,160	18.77%
	Total Customer Value Added Activities	$ 17,191,579	$ 17,371,192	$ 17,589,044	$ 17,375,838	100%	$ 17,410,000	$ (179,044)	$ 17,608,879	1.14%
	As a Percent of Total General Fund Expenditures	71.7%	73.3%	74.4%	74.2%		74.1%		75.3%	

City of Muskegon
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General Fund Expenditure Summary By Function

II. Business Value Added Activities

10101 City Commission

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
5100	Salaries & Benefits	$ 60,555	$ 59,698	$ 62,255	$ 61,917	100%	$ 62,000	$ (255)	$ 62,658	1.06%
5200	Operating Supplies	12,538	9,367	15,000	14,894	99%	15,000	-	13,500	-10.00%
5300	Contractual Services	48,510	28,258	18,323	3,517	88%	4,000	(14,323)	5,000	25.00%
5400	Other Expenses	9,758	6,126	7,500	2,427	81%	3,000	(4,500)	6,000	100.00%
5700	Capital Outlays	528	-	-	480	48%	1,000	1,000	500	-50.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 131,889	$ 103,449	$ 103,078	$ 83,235	98%	$ 85,000	$ (18,078)	$ 87,658	3.13%

10102 City Promotions & Public Relations

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	$ -	0.00%
5200	Operating Supplies	-	2,643	4,000	546	55%	1,000	(3,000)	-	-100.00%
5300	Contractual Services	26,499	27,909	21,102	9,533	95%	10,000	(11,102)	15,188	51.88%
5400	Other Expenses	8	-	-	397	40%	1,000	1,000	-	-100.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 26,507	$ 30,552	$ 25,102	$ 10,476	87%	$ 12,000	$ (13,102)	$ 15,188	26.57%

10172 City Manager

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
5100	Salaries & Benefits	$ 173,154	$ 182,226	$ 199,094	$ 194,094	100%	$ 195,000	$ (4,094)	$ 198,312	1.70%
5200	Operating Supplies	1,663	1,846	2,750	1,421	71%	2,000	(750)	2,000	0.00%
5300	Contractual Services	2,563	2,609	3,250	2,496	83%	3,000	(250)	3,200	6.67%
5400	Other Expenses	3,037	1,646	2,500	1,197	60%	2,000	(500)	2,000	0.00%
5700	Capital Outlays	102	-	500	-	N/A	-	(500)	687	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 180,539	$ 186,327	$ 208,094	$ 199,208	99%	$ 202,000	$ (6,094)	$ 206,199	2.08%

10145 City Attorney

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
5100	Salaries & Benefits	$ -	$ -	$ -	$ -	N/A	$ -	$ -	$ -	0.00%
5200	Operating Supplies	869	869	1,000	819	82%	1,000	-	1,000	0.00%
5300	Contractual Services	449,721	383,732	389,121	428,310	100%	429,000	39,879	400,000	-6.76%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 450,590	$ 384,601	$ 390,121	$ 429,129	100%	$ 430,000	$ 39,879	$ 401,000	-6.74%
		$ 789,525	$ 706,929	$ 726,395	$ 722,048	99%	$ 729,000	$ 2,605	$ 710,045	-2.60%

20173 Administration

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
5100	Salaries & Benefits	$ 129,504	$ 133,545	$ 142,271	$ 137,408	100%	$ 138,000	$ (4,271)	$ 149,072	8.02%
5200	Operating Supplies	2,050	1,437	2,000	1,382	69%	2,000	-	2,000	0.00%
5300	Contractual Services	16,255	6,012	20,721	11,460	96%	12,000	(8,721)	16,176	34.80%
5400	Other Expenses	5,415	2,703	2,000	208	21%	1,000	(1,000)	2,000	100.00%
5700	Capital Outlays	73	2,013	1,000	-	N/A	-	(1,000)	500	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 153,297	$ 145,710	$ 167,992	$ 150,458	98%	$ 153,000	$ (14,992)	$ 169,748	10.95%

City of Muskegon
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		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
20228	**Affirmative Action**									
5100	Salaries & Benefits	$ 84,810	$ 93,074	$ 73,370	$ 67,896	100%	$ 68,000	$ (5,370)	$ 78,199	15.00%
5200	Operating Supplies	757	528	3,561	449	45%	1,000	(2,561)	3,000	200.00%
5300	Contractual Services	1,356	1,553	3,561	2,093	70%	3,000	(561)	2,999	-0.03%
5400	Other Expenses	4,187	1,572	3,562	376	38%	1,000	(2,562)	2,000	100.00%
5700	Capital Outlays	723	977	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 91,833	$ 97,704	$ 84,054	$ 70,814	97%	$ 73,000	$ (11,054)	$ 86,198	18.08%
20744	**Julia Hackley Internships**									
5100	Salaries & Benefits	$ 8,885	$ 7,837	$ 7,736	$ 8,931	99%	$ 9,000	$ 1,264	$ 7,636	-15.16%
5200	Operating Supplies	-	-	-	-	N/A	-	-	364	0.00%
5300	Contractual Services	-	-	-	-	N/A	-	-	-	0.00%
5400	Other Expenses	-	-	-	-	N/A	-	-	-	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 8,885	$ 7,837	$ 7,736	$ 8,931	99%	$ 9,000	$ 1,264	$ 8,000	-11.11%
20215	**City Clerk & Elections**									
5100	Salaries & Benefits	$ 234,459	$ 237,090	$ 249,985	$ 253,377	100%	$ 254,000	$ 4,015	$ 267,558	5.34%
5200	Operating Supplies	45,977	33,167	18,000	21,581	98%	22,000	4,000	46,839	112.90%
5300	Contractual Services	62,596	42,598	32,000	28,584	99%	29,000	(3,000)	25,800	-11.03%
5400	Other Expenses	5,437	5,156	2,000	3,437	86%	4,000	2,000	2,750	-31.25%
5700	Capital Outlays	5,813	1,910	2,000	4,610	92%	5,000	3,000	-	-100.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 354,282	$ 319,921	$ 303,985	$ 311,589	99%	$ 314,000	$ 10,015	$ 342,947	9.22%
20220	**Civil Service**									
5100	Salaries & Benefits	$ 160,513	$ 176,851	$ 130,763	$ 136,039	99%	$ 137,000	$ 6,237	$ 137,063	0.05%
5200	Operating Supplies	15,396	10,642	11,100	7,191	90%	8,000	(3,100)	6,850	-14.38%
5300	Contractual Services	22,138	19,767	22,000	16,303	96%	17,000	(5,000)	18,200	7.06%
5400	Other Expenses	9,108	7,534	5,000	2,691	90%	3,000	(2,000)	5,587	86.23%
5700	Capital Outlays	1,129	-	1,000	650	65%	1,000	-	300	-70.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 208,284	$ 214,794	$ 169,863	$ 162,874	98%	$ 166,000	$ (3,863)	$ 168,000	1.20%
		$ 816,581	$ 785,966	$ 733,630	$ 704,666	99%	$ 715,000	$ (18,630)	$ 774,893	8.38%
30202	**Finance Administration**									
5100	Salaries & Benefits	$ 280,785	$ 297,906	$ 318,031	$ 316,103	100%	$ 317,000	$ (1,031)	$ 329,841	4.05%
5200	Operating Supplies	6,663	7,010	6,250	5,266	88%	6,000	(250)	5,750	-4.17%
5300	Contractual Services	115,025	87,221	82,000	75,827	100%	76,000	(6,000)	80,200	5.53%
5400	Other Expenses	3,935	156	500	34	3%	1,000	500	-	-100.00%
5700	Capital Outlays	4,730	3,784	-	15	2%	1,000	1,000	-	-100.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 411,138	$ 396,077	$ 406,781	$ 397,245	99%	$ 401,000	$ (5,781)	$ 415,791	3.69%
30209	**Assessing Services**									
5100	Salaries & Benefits	$ 6,093	$ 6,199	$ 6,437	$ 6,254	89%	$ 7,000	$ 563	$ 6,361	-9.13%
5200	Operating Supplies	-	-	-	-	N/A	-	-	-	0.00%
5300	Contractual Services	390,926	394,707	400,000	400,641	100%	401,000	1,000	400,000	-0.25%
5400	Other Expenses	60	80	100	-	N/A	-	(100)	100	0.00%
5700	Capital Outlays	-	-	-	-	N/A	-	-	-	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 397,079	$ 400,986	$ 406,537	$ 406,895	100%	$ 408,000	$ 1,463	$ 406,461	-0.38%

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		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
30205	**Income Tax Administration**									
5100	Salaries & Benefits	$ 194,487	$ 229,175	$ 256,096	$ 255,417	100%	$ 256,000	$ (96)	$ 268,851	5.02%
5200	Operating Supplies	21,941	20,667	18,250	15,964	100%	16,000	(2,250)	22,005	37.53%
5300	Contractual Services	49,928	46,251	39,278	39,403	99%	40,000	722	49,144	22.86%
5400	Other Expenses	1,410	642	300	1,020	51%	2,000	1,700	400	-80.00%
5700	Capital Outlays	5,807	1,437	1,000	1,293	65%	2,000	1,000	500	-75.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 273,573	$ 298,172	$ 314,924	$ 313,097	99%	$ 316,000	$ 1,076	$ 340,900	7.88%
30253	**City Treasurer**									
5100	Salaries & Benefits	$ 272,839	$ 290,796	$ 283,261	$ 279,010	100%	$ 280,000	$ (3,261)	$ 292,201	4.36%
5200	Operating Supplies	32,865	33,750	32,012	27,759	99%	28,000	(4,012)	32,000	14.29%
5300	Contractual Services	43,750	65,831	36,400	67,355	99%	68,000	31,600	60,000	-11.76%
5400	Other Expenses	2,933	545	1,500	950	95%	1,000	(500)	1,000	0.00%
5700	Capital Outlays	12,653	2,652	4,000	57	6%	1,000	(3,000)	3,000	200.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 365,040	$ 393,574	$ 357,173	$ 375,131	99%	$ 378,000	$ 20,827	$ 388,201	2.70%
30248	**Information Systems Administration**									
5100	Salaries & Benefits	$ 235,640	$ 260,209	$ 284,985	$ 266,338	100%	$ 267,000	$ (17,985)	$ 233,611	-12.51%
5200	Operating Supplies	2,345	1,361	4,700	1,375	69%	2,000	(2,700)	5,500	175.00%
5300	Contractual Services	66,905	44,653	54,095	45,354	99%	46,000	(8,095)	56,300	22.39%
5400	Other Expenses	8,049	7,619	4,500	1,018	51%	2,000	(2,500)	15,000	650.00%
5700	Capital Outlays	37,893	43,907	27,830	22,822	99%	23,000	(4,830)	26,000	13.04%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 350,832	$ 357,749	$ 376,110	$ 336,907	99%	$ 340,000	$ (36,110)	$ 336,411	-1.06%
		$ 1,797,662	$ 1,846,558	$ 1,861,525	$ 1,829,275	99%	$ 1,843,000	$ (18,525)	$ 1,887,764	2.43%
60265	**City Hall Maintenance**									
5100	Salaries & Benefits	$ 66,138	$ 67,355	$ 59,345	$ 64,175	99%	$ 65,000	$ 5,655	$ 53,339	-17.94%
5200	Operating Supplies	15,693	12,925	13,000	9,354	94%	10,000	(3,000)	9,227	-7.73%
5300	Contractual Services	203,498	188,186	180,000	173,492	100%	174,000	(6,000)	179,600	3.22%
5400	Other Expenses	-	-	500	5	1%	1,000	500	-	-100.00%
5700	Capital Outlays	12,500	409	12,500	1,229	61%	2,000	(10,500)	6,500	225.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 297,829	$ 268,875	$ 265,345	$ 248,255	99%	$ 252,000	$ (13,345)	$ 248,666	-1.32%
		$ 297,829	$ 268,875	$ 265,345	$ 248,255	99%	$ 252,000	$ (13,345)	$ 248,666	-1.32%
80400	**Planning, Zoning and Economic Development**									
5100	Salaries & Benefits	$ 393,435	$ 424,969	$ 420,398	$ 322,199	100%	$ 323,000	$ (97,398)	$ 391,623	21.25%
5200	Operating Supplies	12,765	14,518	14,000	7,953	99%	8,000	(6,000)	14,825	85.31%
5300	Contractual Services	44,078	67,030	51,500	66,339	99%	67,000	15,500	43,000	-35.82%
5400	Other Expenses	10,293	4,278	2,000	2,156	72%	3,000	1,000	2,000	-33.33%
5700	Capital Outlays	6,239	1,891	2,000	1,371	69%	2,000	-	2,000	0.00%
5900	Other Financing Uses	-	-	-	-	N/A	-	-	-	0.00%
		$ 466,810	$ 512,686	$ 489,898	$ 400,018	99%	$ 403,000	$ (86,898)	$ 453,448	12.52%
		$ 466,810	$ 512,686	$ 489,898	$ 400,018	99%	$ 403,000	$ (86,898)	$ 453,448	12.52%
	Total Business Value Added Activities	$ 4,168,407	$ 4,121,014	$ 4,076,793	$ 3,904,262	99%	$ 3,942,000	$ (134,793)	$ 4,074,816	3.37%
	As a Percent of Total General Fund Expenditures	17.4%	17.4%	17.3%	16.7%		16.8%		17.4%	

City of Muskegon
Quarterly Budget Reforecast and 2005 Proposed Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
	II. Fixed Budget Items									
30999	**Transfers To Other Funds**									
	Major Street Fund	$ 100,000	$ -	$ -	$ -	N/A	$ -	$ -	$ -	0.00%
	Local Street Fund	850,000	870,000	620,000	620,000	100%	620,000	-	480,000	-22.58%
	Budget Stabilization Fund	-	-	-		N/A	-	-	-	0.00%
	L.C. Walker Arena Fund (Operating Subsidy)	271,837	210,000	200,000	200,000	100%	200,000	-	260,000	30.00%
	Public Improvement Fund (Fire Equipment Reserve)	150,000	150,000	150,000	150,000	100%	150,000	-	150,000	0.00%
	State Grants Fund (Grant Matches)	105,000	10,856	-	21,328	97%	22,000	22,000	-	-100.00%
	Municipal Marina Fund	-	-	-	40,000	100%	40,000	40,000	-	-100.00%
	Sidewalk Assessment Fund	-	-	-	125,000	100%	125,000	125,000	-	-100.00%
	Tree Replacement	-	-	-	-	N/A	-	-	-	0.00%
		$ 1,476,837	$ 1,240,856	$ 970,000	$ 1,156,328	100%	$ 1,157,000	$ 187,000	$ 890,000	-23.08%
30851	**General Insurance**	$ 281,887	$ 335,805	$ 379,061	$ 322,233	100%	$ 323,000	$ (56,061)	$ 349,375	8.17%
30906	**Debt Retirement**	216,860	217,397	216,816	216,884	100%	217,000	184	3,000	-98.62%
10891	**Contingency and Bad Debt Expense**	495,550	133,760	400,000	429,951	100%	430,000	30,000	450,000	4.65%
90000	**Major Capital Improvements**	140,414	285,310	-	11,373	95%	12,000	12,000	10,000	-16.67%
	Total Fixed-Budget Items	$ 2,611,548	$ 2,213,128	$ 1,965,877	$ 2,136,769	100%	$ 2,139,000	$ 173,123	$ 1,702,375	-20.41%
	As a Percent of Total General Fund Expenditures	**10.9%**	**9.3%**	**8.3%**	**9.1%**		**9.1%**		**7.3%**	
	Total General Fund	$ 23,971,534	$ 23,705,334	$ 23,631,714	$ 23,416,869	100%	$ 23,491,000	$ (140,714)	$ 23,386,070	-0.45%

Recap: Total General Fund By Expenditure Object

		Actual 2002	Actual 2003	Original Budget Estimate 2004	Actual Through December 2004	Actual As % of Revised	Revised Estimate 2004	Change From 2004 Original	Original Budget Estimate 2005	% Change From 2004 Revised
5100	Salaries & Benefits	$ 13,226,336	$ 13,805,336	$ 14,690,645	$ 14,102,555	100%	$ 14,119,000	$ (571,645)	$ 14,707,844	4.17%
5200	Operating Supplies	705,722	586,173	593,972	470,044	98%	482,000	(111,972)	532,966	10.57%
5300	Contractual Services	7,496,547	7,108,531	6,901,469	7,030,323	100%	7,050,000	148,531	6,957,090	-1.32%
5400	Other Expenses	186,615	86,383	92,982	60,060	81%	74,000	(18,982)	96,637	30.59%
5700	Capital Outlays	662,617	660,658	165,830	380,675	97%	392,000	226,170	198,533	-49.35%
5900	All Other Financing Uses	1,693,697	1,458,253	1,186,816	1,373,212	100%	1,374,000	187,184	893,000	-35.01%
	Total General Fund	$ 23,971,534	$ 23,705,334	$ 23,631,714	$ 23,416,869	100%	$ 23,491,000	$ (140,714)	$ 23,386,070	-0.45%

City of Muskegon
2004 Final Amended Budget - Other Budgeted Funds

		Actual 2003	Original Budget Estimate 2004	Last Budget Reforecast (9/30/2004)	Actual Thru December 2004	Final 2004 Ameded Budget	Change From Latest Reforecast
	Other Budgeted Funds - Revenues						
	Special Revenue Funds:						
202	**Motor Vehicle Highway - Major**	$ 9,303,695	$ 10,311,986	$ 9,086,680	$ 6,941,863	$ 6,941,800	$ (2,144,880)
203	**Motor Vehicle Highway - Local**	3,659,922	2,039,934	2,029,984	2,131,314	2,131,300	101,316
254	**LC Walker Arena**	931,685	886,500	986,500	1,226,322	1,226,300	239,800
230	**Enterprise Community Fund**	85,981	-	180,000	-	-	(180,000)
257	**Budget Stabilization Fund**	-	-	-	-	-	-
260	**Land Reutilization Fund**	414	1,000	1,000	299	200	(800)
285	**Tree Replacement Fund**	5,204	3,000	3,000	4,239	4,200	1,200
264	**Criminal Forfeitures Fund**	39,944	10,000	10,000	24,314	24,300	14,300
		$ 14,026,845	$ 13,252,420	$ 12,297,164	$ 10,328,351	$ 10,328,100	$ (1,969,064)
	Other Budgeted Funds - Expenditures						
	Special Revenue Funds:						
202	**Motor Vehicle Highway - Major**	$ 9,512,678	$ 10,558,804	$ 9,790,804	$ 7,654,822	$ 7,660,000	$ (2,130,804)
203	**Motor Vehicle Highway - Local**	3,523,980	2,022,769	1,736,828	1,849,901	1,850,000	113,172
254	**LC Walker Arena**	928,572	903,247	1,213,247	1,225,205	1,230,000	16,753
230	**Enterprise Community Fund**	85,494	-	150,000	-	-	(150,000)
257	**Budget Stabilization Fund**	500,000	500,000	500,000	200,000	200,000	(300,000)
260	**Land Reutilization Fund**	-	1,000	1,000	-	-	(1,000)
285	**Tree Replacement Fund**	400	3,000	3,000	4,380	5,000	2,000
264	**Criminal Forfeitures Fund**	1,972	10,000	10,000	4,997	5,000	(5,000)
		$ 14,553,096	$ 13,998,820	$ 13,404,879	$ 10,939,305	$ 10,950,000	$ (2,454,879)
	Other Budgeted Funds - Revenues Over (Under) Expenditures						
	Special Revenue Funds:						
202	**Motor Vehicle Highway - Major**	$ (208,983)	$ (246,818)	$ (704,124)	$ (712,959)	$ (718,200)	$ (14,076)
203	**Motor Vehicle Highway - Local**	135,942	17,165	293,156	281,413	281,300	(11,856)
254	**LC Walker Arena**	3,113	(16,747)	(226,747)	1,117	(3,700)	223,047
230	**Enterprise Community Fund**	487	-	30,000	-	-	(30,000)
257	**Budget Stabilization Fund**	(500,000)	(500,000)	(500,000)	(200,000)	(200,000)	300,000
260	**Land Reutilization Fund**	414	-	-	299	200	200
285	**Tree Replacement Fund**	4,804	-	-	(141)	(800)	(800)
264	**Criminal Forfeitures Fund**	37,972	-	-	19,317	19,300	19,300
		$ (526,251)	$ (746,400)	$ (1,107,715)	$ (610,954)	$ (621,900)	$ 485,815

AGENDA ITEM NO. ________________

CITY COMMISSION MEETING February 22, 2005

TO: Honorable Mayor and City Commissioners

FROM: Clara Shepherd, City Commissioner

DATE: February 15, 2005

RE: Street Construction – 6th Street from Muskegon to Houston

SUMMARY OF REQUEST:

To consider reconstruction/resurfacing of 6th Street from Muskegon Avenue to Houston Street.

FINANCIAL IMPACT:

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION: