

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 25, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
 - A. National Night Out. POLICE
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Contract for Walton Street Project Excavation. COMMUNITY & NEIGHBORHOOD SERVICES
 - C. FIRST READING-Zoning Ordinance Amendment for Outdoor Lighting. PLANNING & ECONOMIC DEVELOPMENT
 - D. FIRST READING-Zoning Ordinance Amendment to Require the Same Front Setback for a Major Street as a Collector Street. PLANNING & ECONOMIC DEVELOPMENT
- ❑ PUBLIC HEARINGS:
 - A. Create a Special Assessment District for Southern Ave., Sixth to Seaway. ENGINEERING
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Agreement with Muskegon Public Schools for Election Services. CITY CLERK

- B. Taxicab License – Great Lakes Shuttle, 1087 W. Laketon. CITY CLERK
- C. Water Plant Improvements Change Order. WATER FILTRATION
- D. Extending the Deadline for Taking Action on Proposed Mall Historic District. PLANNING & ECONOMIC DEVELOPMENT
- E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY
1. 1263 W. Larch – Area 12
 2. 1856 Continental
 3. 341 Bauer – Area 11
 4. 61 Ottawa
 5. 1309 Sixth – Area 10
 6. 235 W. Forest

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

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

☐ **ADJOURNMENT:**

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

Date: January 25, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Community Relations Committee that was held on Monday, January 3, 2005; the Commission Worksession that was held on Monday, January 10, 2005; and the Regular Commission Meeting that was held on Tuesday, January 11, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 25, 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, January 25, 2005.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2005-07 INTRODUCTIONS/PRESENTATION:

A. National Night Out. POLICE

Denny Powers explained what National Night Out is, thanked Consumers Energy for their help, and presented certificates to the Neighborhood Associations and Consumers Energy.

2005-08 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Community Relations Committee that was held on Monday, January 3, 2005; the Commission Worksession that was held on Monday, January 10, 2005; and the Regular Commission Meeting that was held on Tuesday, January 11, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Contract for Walton Street Project Excavation. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to execute a contract with Watts Trucking and Excavating, 1872 Austin, Muskegon.

Watts has the lowest bid, which was \$13,500.

The CNS Department received three other bids from Accurate Excavators, 4040 Central Rd., Muskegon - \$17,950; Eastside Excavators, 5555 Miller, Muskegon - \$30,000; and McCormick Sand Inc., 995 S. 162nd, Shelby - \$35,000.

FINANCIAL IMPACT: The funding will be allocated from the City's 2003 HOME entitlement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee and the City Commission approved the Walton Street project.

C. FIRST READING-Zoning Ordinance Amendment for Outdoor Lighting.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language regarding street lighting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding street lighting.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 1/11 meeting. B. Mazade, P. Sartorius, T. Johnson, T. Michalski, J. Aslakson, and L. Spataro voted in favor of the change. S. Warmington, B. Smith and T. Harryman were absent.

D. FIRST READING-Zoning Ordinance Amendment to Require the Same Front Setback for a Major Street as a Collector Street.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple-Family Residential & MC Medical Care Districts); Section 1003, Article X, (B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street, to

match Table I.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the front setback requirement for a major street to be the same as a collector street, to match Table I.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 1/11 meeting. B. Mazade, P. Sartorius, T. Johnson, T. Michalski, J. Aslakson, and L. Spataro voted in favor of the request. S. Warmington, B. Smith and T. Harryman were absent.

Motion by Commissioner Carter, second by Vice Mayor Larson to approve the Consent Agenda as submitted.

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

Nays: None

MOTION PASSES

2005-09 PUBLIC HEARINGS:

A. Create a Special Assessment District for Southern Ave., Sixth to Seaway.
ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. Comments in favor of the project were heard from: Robert Kendall, 315 W. Southern Avenue; and Mary Jo MCCann, 461 W. Webster, Representing Nelson Neighborhood Association. Ed Simmons, 973 W. Forest also commented.

Motion by Commissioner Davis, second by Commissioner Carter to close the Public Hearing at 5:49 p.m. and create the special assessment district for Southern Avenue, Sixth to Seaway.

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

Nays: None

MOTION PASSES

2005-10 NEW BUSINESS:

A. Agreement with Muskegon Public Schools for Election Services. CITY CLERK

SUMMARY OF REQUEST: To approve the Agreement with Muskegon Public Schools for Elections Services provided for all District School Elections. Under the new Election Consolidation legislation schools are no longer legally able to conduct their own elections. All duties are turned over to an Election Coordinating Committee made up of the clerks from communities in the School District, the County Clerk and the School District. One individual is selected as the Election Coordinator and since we have the largest number of residents in the district, we will be the Coordinator. This really is what we have been doing over the past 10 years that I have been Clerk in Muskegon. So it is business as usual regarding school elections except for some specifics in the law that requires a signed agreement by all members of the District Coordinating Committee. We will be reimbursed for all actual costs for the Elections. Both the City Attorney and the School District Attorney have reviewed the agreement and approved it as written.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Election Coordinating Committee recommends approval.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the agreement and authorize the Clerk to sign the agreement.

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

Nays: None

MOTION PASSES

B. Taxicab License – Great Lakes Shuttle, 1087 W. Laketon. CITY CLERK

SUMMARY OF REQUEST: Stephanie Tilford of Great Lakes Shuttle, whose office is located at 1087 W. Laketon, is requesting approval of a license to operate five taxicabs.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this request contingent upon approval from the Police Department, Inspections, and applicant obtaining a special use permit for the location.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the license contingent upon approval from the Police Department, Inspections, and applicant obtaining a Special Use Permit.

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

Nays: None

MOTION PASSES

C. Water Plant Improvements Change Order. WATER FILTRATION

SUMMARY OF REQUEST: To approve change order #6 of the Water Filtration Plant Improvements Project. A portion of this change order was authorized as "emergency" within the City's purchasing plan in order to keep the construction project on schedule. The remainder of the items are similarly critical but do not affect the project schedule.

FINANCIAL IMPACT: The total cost of change order #6 is \$159,561.

BUDGET ACTION REQUIRED: None at this time. The change order cost will be applied to the total cost of the Improvements Project as funded by the Drinking Water Revolving Loan Fund.

STAFF RECOMMENDATION: Staff recommends approval of the items authorized by the "emergency" procedure and the additional items as indicated in change order #6.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the change order.

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

Nays: None

MOTION PASSES

D. Extending the Deadline for Taking Action on Proposed Mall Historic District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004 but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. Because that deadline has expired, Staff is now requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the resolution extending the deadline for one more year.

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

Nays: None

MOTION PASSES

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

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

1. 1263 W. Larch – Area 12

CASE # AND PROJECT ADDRESS: #EN-030173, 1263 W. Larch

LOCATION AND OWNERSHIP: This structure is located on W. Larch between Ruddiman and McGraft. It is owned by Deutsche Bank Trust in Texas and is currently in foreclosure. As of 12/03 this structure is owned by Martin/Jane Engle.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 11/20/03. A notice and order to repair was issued 12/3/03. On 1/8/04 the HBA declared the structure substandard and dangerous. The case returned to the HBA 12/02/04 to allow new owners time to respond, no one was present and was declared substandard and dangerous.

OWNER CONTACT: On 1/13/04 a contact for the bank called the Inspection office and stated the home is in foreclosure and they cannot do anything until the redemption period is up, which is 6 months. He was faxed all copies of previous notices. Mr. Engle contacted the Inspection Department in December 2004 stating he no longer owned the property he stated the property was taken by the bank. He gave contact numbers for Saxon Mortgage formerly Deutsche Bank. The Inspection Department contacted Saxon Mortgage who first said the property was sold but the Inspection Department checked and no deed was registered with said new owner. The title office was contacted that handled the sale and they reported that the sale was cancelled. Saxon Mortgage was contacted again who forwarded the Inspection Department to their foreclosure attorney's office. The office of the foreclosure attorney Orlands Assoc., reported that the foreclosure was never completed and that the property was still owned by Mr. Engle. A memo was sent to Mr. Engle and Saxon Mortgage stating these findings. There has been no owner contact since this time.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$18,100.

ESTIMATED COST TO REPAIR: \$8,000 plus the cost of interior repairs.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals

decision to demolish.

2. 1856 Continental

CASE # AND PROJECT ADDRESS: # EN-040047, 1856 Continental

LOCATION AND OWNERSHIP: This structure is located on Continental between E. Holbrook Road and E. Laketon Avenue and is owned by Phyllis Passenier.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted 4/19/04 also an interior inspection was conducted 6/10/04. Mr. and Mrs. Passenier were present for the HBA meeting. They stated they are in the process of getting estimates for the repairs now that the insurance company declared the house fixable. Bob Grabinski inquired on the construction that has been done to the home without permits and Mr. Passenier stated the house was sold on a land contract and the buyers did the work. A building permit for siding was issued 6/12/04. The permit expired 12/9/04.

OWNER CONTACT: There has been no owner contact or inspections scheduled.

FINANCIAL IMPACT: General Fund

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$12,949

ESTIMATED COST TO REPAIR: \$30,000

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

3. 341 Bauer – Area 11

CASE # AND PROJECT ADDRESS: # EN-040041, 341 Bauer

LOCATION AND OWNERSHIP: This structure is located on Bauer between Spring Street and Pine Street and is owned by Muskegon Monument & Stone.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 4/30/04. No one was present to represent this case at the HBA 7/01/04 meeting. Henry Faltinowski stated he spoke with John Allen at about 4:30 and he said he would be at this meeting. A building permit to demolish was issued 7/16/04. The site has not been cleared of demolition debris.

OWNER CONTACT: There has been no owner contact.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$1,696

ESTIMATED COST TO REPAIR: Building not salvageable

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

4. 61 Ottawa

CASE # AND PROJECT ADDRESS: # EN-040059, 61 Ottawa

LOCATION AND OWNERSHIP: This structure is located on Ottawa between Bayou and Marquette and is owned by Abonmarche Developers, P.O. Box 1088, Benton Harbor, MI 49023.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted 5/25/04. It is a commercial building that has been vacant for some time.

OWNER CONTACT: A fax was received the day of the HBA meeting asking for 6 months to allow them time to sell the structure. There has been no owner contact since that time.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$99,900

ESTIMATED COST TO REPAIR: \$30,000

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

5. 1309 Sixth – Area 10

CASE # AND PROJECT ADDRESS: #EN-040067, 1309 Sixth Street.

LOCATION AND OWNERSHIP: This structure is located on Sixth Street between Monroe Street and Merrill Street and is owned by Yvette Ikens.

STAFF CORRESPONDENCE: This house was inspected by the trade inspectors 3/23/04 after the housing inspector realized it had never been removed from the dangerous building list since December 2002. At the time of the inspection, the house was owned by Brian VanFarowe who owns other rental properties in Muskegon. There has been no contact from him or his property manager, Alex Fortenberry, since the inspection and in July the house was open. Upon contacting Mr. Fortenberry about the missing door, it was discovered that Yvette Ikens had purchased the property on a Land Contract. The city had the structure boarded 7/9/04.

OWNER CONTACT: There has been no owner contact.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$14,600

ESTIMATED COST TO REPAIR: \$25,000

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

6. 235 W. Forest

CASE # AND PROJECT ADDRESS: #EN-040034, 235 W. Forest

LOCATION AND OWNERSHIP: This structure is located on Forest Street between Fifth Street and Sixth Street and is owned by Louis Pimpleton.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted 3/12/04. No one was present to represent this case at the HBA meeting. It was found open and vandalized by officers in March.

OWNER CONTACT: There has been no owner contact.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$18,500

ESTIMATED COST TO REPAIR: \$10,000 exterior only.

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

Motion by Vice Mayor Larson, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish all six structures.

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

Nays: Davis

MOTION PASSES

F. Appointment of Brickley DeLong as the City's Independent Auditor.
FINANCE

Motion by Vice Mayor Larson, second by Commissioner Spataro to appoint Brickley DeLong as the City's auditor.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:33 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk.

Commission Meeting Date: January 25, 2005

Date: January 19, 2005

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Contract for Excavation for Walton Street Project

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to execute a contract with Watts Trucking and Excavating 1872 Austin, Muskegon. Watts has the lowest bid, which was \$13,500.

The CNS department received three other bids from Accurate Excavators 4040 Central Rd, Muskegon - \$17,950; Eastside Excavators 5555 Miller, Muskegon - \$30,000; and McCormick Sand Inc 995 S. 162nd, Shelby - \$35,000.

FINANCIAL IMPACT: The funding will be allocated from the City's 2003 HOME entitlement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: The Land Reutilization Committee and the City Commission approved the Walton St. project.

Bid Proposal

Excavator will be responsible for excavating of the three parcels at 243 Walton and 265 Walton. The 3 parcels will be 80' x 140' and the depth of 60". See the attached diagram for additional details. Excavator should include in his or her bid the removal of dirt, all ~~back-filling and~~ all other necessary components to complete this project in a quality manner.

Accurate Excavators
4040 Central Rd.
Muskegon, MI 49445-9567
231 780-2097

Bidder 231 780-2097

Details of Activities Please see attached Proposal

[illegible]

Total Cost \$17,950.00

Bid Proposal

Excavator will be responsible for excavating of the three parcels at 243 Walton and 265 Walton. The 3 parcels will be 80' x 140' and the depth of 60". See the attached diagram for additional details. Excavator should include in his or her bid the removal of dirt, all back filling and all other necessary components to complete this project in a quality manner.

Bidder East Side Excavators Inc.

Details of Activities Transfer sand from
the three lots listed above to
the neighboring city owned lot or lots.
Sand is to stay within the block
of the site. Any hazardous material,
utilities or garbage that is on these
lots and needs to be removed are extra
and are not included in this bid.
No back fill is included in this either.

Total Cost \$30,000 -

Bid Proposal

Excavator will be responsible for excavating of the three parcels at 243 Walton and 265 Walton. The 3 parcels will be 80' x 140' and the depth of 60". See the attached diagram for additional details. Excavator should include in his or her bid the removal of dirt, all back filling and all other necessary components to complete this project in a quality manner.

Bidder McCormick Sand, Inc.

Details of Activities As discussed in pre-bid meeting
Foundation Backfill & site Final grading will be
completed by Rich Construction,
McCormick Sand, Inc. will cut down 3 lots,
E, D & C approximately 5'-0". Export excess
material. Rough grade 3 driveways to
Walton Ave. Complete excavation for
3-basements + 3-garages as required.

Total Cost

\$35,000.00

McCormick Sand, Inc.

By: Joel McCormick
President

Bid Proposal

Excavator will be responsible for excavating of the three parcels at 243 Walton and 265 Walton. The 3 parcels will be 80' x 140' and the depth of 60". See the attached diagram for additional details. Excavator should include in his or her bid the removal of dirt, all back filling and all other necessary components to complete this project in a quality manner.

Bidder Watts Trucking & Excavating

Details of Activities _____

① Lower Partial's C.D. & E. Approx 5 ft Below Alley, Slopping Downward.

② Stack Pile Sand on City Lot.

③ Dig Basement for Partial's C.D & E.

Total Cost

\$13,500.00

Commission Meeting Date: January 25, 2005

Date: January 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment for Outdoor Lighting

SUMMARY OF REQUEST:

Request to amend Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language regarding street lighting

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend language regarding street lighting.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/11 meeting. B. Mazade, P. Sartorius, T. Johnson, T. Michalski, J. Aslakson, and L. Spataro voted in favor of the change. S. Warmington, B. Smith and T. Harryman were absent.

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

January 13, 2005

Hearing, Case 2005-01 – Staff initiated request to amend Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language regarding street lighting

BACKGROUND

This language was recently questioned by an applicant. The wording of the section does not meet the intent of the ordinance. The original intent of this language was to include all outdoor lighting, whereas the use of the words “street lighting” seems to imply only those lights in the public right-of-way.

NEW LANGUAGE

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

5. Outdoor lighting in all districts: ~~Street lighting~~ **Outdoor lighting** in newly developed commercial and industrial uses, subdivisions, condominium projects and planned unit developments, or replacement lighting for such developments and institutional uses, shall be designed and constructed in such a manner to insure that: [amended 7/98]
 - a. Direct or directly reflected light is confined to the development site.
 - b. All light sources and light lenses are shielded.
 - c. No light sources or light lenses are directly visible from beyond the boundary of the site.
 - d. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as certified by the manufacturer's photometric test.
 - e. Light sources shall be high-pressure sodium or halogen. Approved exceptions shall use warm white or natural lamp colors.
 - f. Lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.
 - g. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the City for approval prior to installation.
 - h. The height of light poles shall not exceed twenty-five (25) feet as measured from average grade.

DELIBERATION

I move that the amendment to Section 2331 of Article XXIII (General Provisions) for Outdoor Lighting in all districts language regarding street lighting be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 2143

An ordinance to amend Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language regarding street lighting language.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language regarding street lighting are hereby amended to include all outdoor lighting:

5. Outdoor lighting in all districts: Outdoor lighting in newly developed commercial and industrial uses, subdivisions, condominium projects and planned unit developments, or replacement lighting for such developments and institutional uses, shall be designed and constructed in such a manner to insure that: [amended 7/98]
- a. Direct or directly reflected light is confined to the development site.
 - b. All light sources and light lenses are shielded.
 - c. No light sources or light lenses are directly visible from beyond the boundary of the site.
 - d. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as certified by the manufacturer's photometric test.
 - e. Light sources shall be high-pressure sodium or halogen. Approved exceptions shall use warm white or natural lamp colors.
 - f. Lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.
 - g. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the City for approval prior to installation.
 - h. The height of light poles shall not exceed twenty-five (25) feet as measured from average grade.

This ordinance adopted:

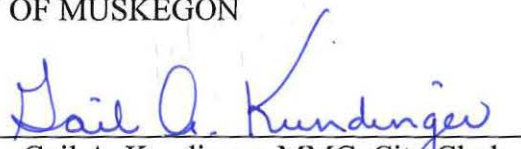
Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

Adoption Date: January 25, 2005
Effective Date: February 11, 2005
First Reading: January 25, 2005
Second Reading: N/A

CITY OF MUSKEGON

By:


Gail A. Kunderinger, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of January, 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: January 25, 2005.

By: _____



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 25, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language to refer to include all outdoor lighting.

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

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

Published February 1, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: January 25, 2005

Date: January 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Zoning Ordinance Amendment to Require the Same Front Setback for a Major Street as a Collector Street

SUMMARY OF REQUEST:

Request to amend Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X, (B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street, to match Table I.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the front setback requirement for a major street to be the same as a collector street, to match Table I.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/11 meeting. B. Mazade, P. Sartorius, T. Johnson, T. Michalski, J. Aslakson, and L. Spataro voted in favor of the request. S. Warmington, B. Smith and T. Harryman were absent.

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

January 13, 2005

Hearing, Case 2005-03 – Staff initiated request to amend Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X, (B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street, to match Table I.

BACKGROUND

Staff has noticed that the language in each of the districts regarding front setbacks for major and collector streets doesn't match Table 1. The original intent of the language regarding front set backs for both major and collector streets was to have major and collector street requiring the same 25 foot front set back. However, in the Section language, major streets are included with expressways and arterial streets and require a 30 foot front setback. Staff feels that the definition for "Major Street" more closely resembles that of "Collector Street", as show in the excerpt from the zoning ordinance below:

Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property. [amended 11/03]

Expressway: Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections (U.S. 31).

Arterial Street: Those streets of considerable continuity which are used or primarily for fast or heavy traffic (Seaway Dr., M-46, Shoreline Dr.).

Major Street: Those streets in the City that are classified as primary hard-surfaced roads (Getty St., Laketon Ave., Henry St. (south of Laketon Ave.), Sherman Blvd.)

Collector Street: Those streets used to carry traffic from minor streets to arterial streets

classified by the City (Hackley Ave., Barclay St., Lakeshore Dr. (south of Laketon Ave.), Marquette Ave., Wood St.).

Minor Street: A street, which is intended primarily for access, for abutting properties (All streets except those named above).

NEW LANGUAGE

The following is an example of district language. The exact setback numbers may be different for some districts. Deletions are ~~crossed-out~~ and additions are in **bold**.

1. Front Setbacks:

Minimum:

Expressway; **or** Arterial Street ~~or Major Street~~: 30 feet

Collector Street **or Major Street**: 25 feet

Minor Street: 15 feet

DELIBERATION

I move that the amendments to Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X, (B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), regarding the front setback requirement for a major street to be the same as a collector street be recommended to the City Commission for approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2144

An ordinance to amend Section 2331 of Article XXIII (General Provisions) to amend Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X,(B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street, to match Table I.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X,(B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street:

- **Note: The following is an example of district language. The exact setback numbers may be different for some districts.**

1. Front Setbacks:

Minimum:

Expressway or Arterial Street: 30 feet

Collector Street or Major Street: 25 feet
Minor Street: 15 feet

This ordinance adopted: January 25, 2005

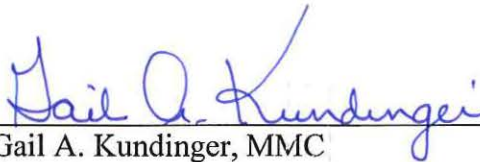
Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

Adoption Date: January 25, 2005
Effective Date: February 11, 2005
First Reading: January 25, 2005
Second Reading: N/A

CITY OF MUSKEGON

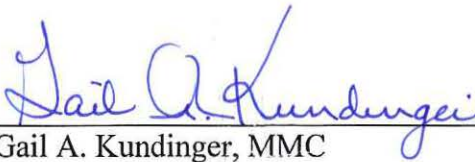
By:


Gail A. Kunderger, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of January, 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: January 25, 2005.


Gail A. Kunderger, MMC
City Clerk

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 25, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X, (B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street.

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

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

Published February 1, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Date: January 25, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Southern Ave. , Sixth to Seaway Dr.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-09(a)

Resolution At First Hearing Creating Special Assessment District
For **Southern Ave., Sixth St. to Seaway Dr.**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 25, 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 **January 25, 2005**, there were 22.69% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

- Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Spataro and Shepherd 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 **16.57%** of the cost of the street improvement will be paid by special assessments.
 5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

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 **January 25, 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

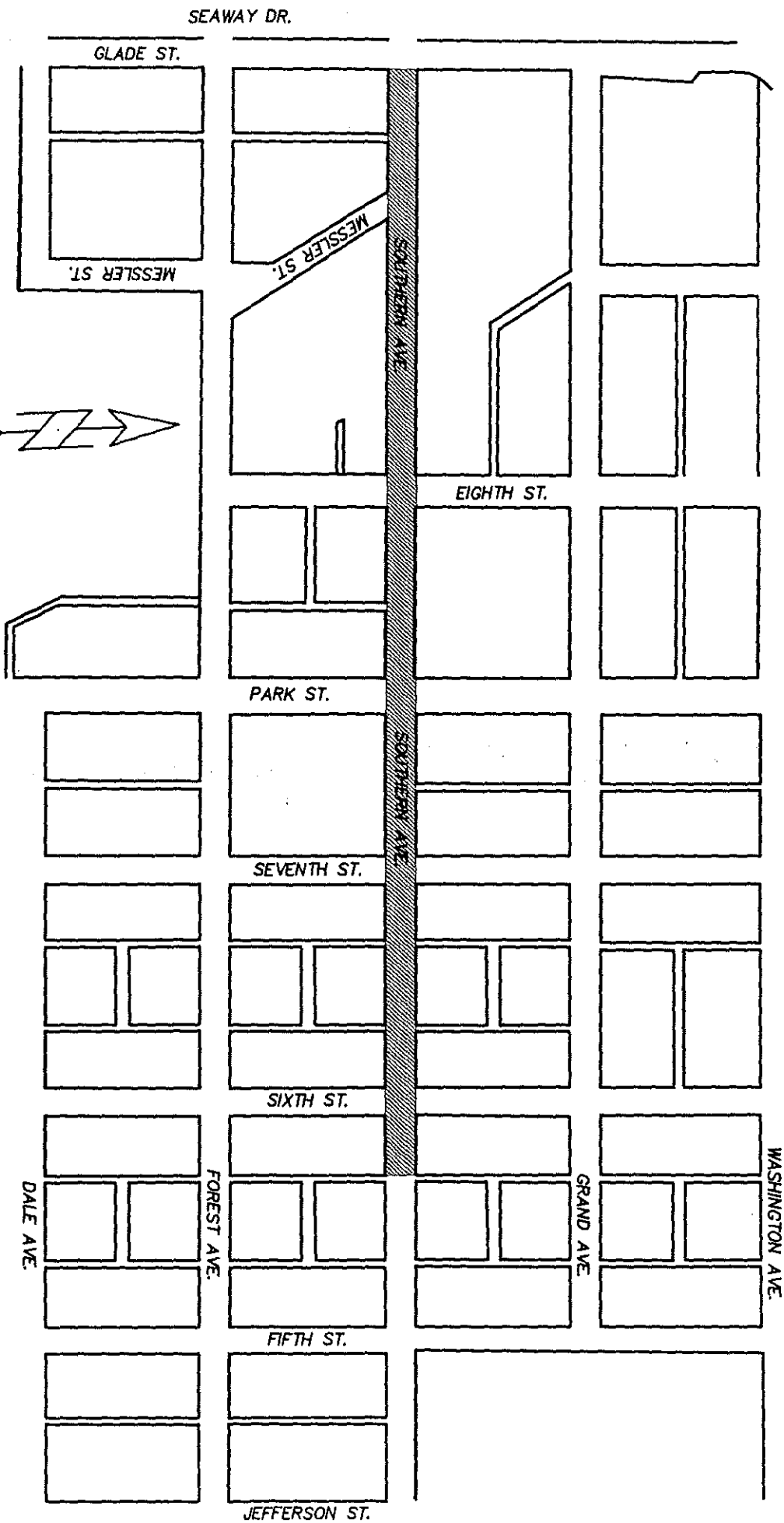
EXHIBIT A

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Southern Ave. between Sixth and Seaway Dr.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Southern Ave. Sixth St. to Seaway Dr.

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 14TH DAY OF JANUARY, 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
26th DAY OF January, 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 a special assessment district be created for the following project:

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

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

All parcels abutting Southern Ave. from Sixth St. to Seaway Dr.

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 **JANUARY 25, 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: **January 15, 2005**

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

ENGINEERING FEASIBILITY STUDY

For

Southern Ave., Sixth to Seaway Dr.

The reconstruction of Southern between Sixth & Seaway, see attached exhibit for location, was initiated by the City and approved for over \$350,000 of federal funds due to the conditions of the pavement and drainage facilities as well as it's designation as a collector street. The existing pavement has deteriorated to a level where, we believe, a total reconstruction is necessary. This section of road has not had, to the best of our records, any major work since the 1991 when it was resurfaced and has an average Pavement Condition Index of around 45. The proposed improvements (reconstruction) consist of following;

1. Complete removal of existing pavement and replace with a new asphalt street section that would include curb & gutter and a proposed width of 34' back to back.
2. Spot repairs on the existing sanitary sewer main
3. Water & Sanitary Services replacement where necessary

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

The preliminary cost estimate for the work associated with paving is \$550,000 with the length of the project being approximately 2300 lineal feet (project length) or 2822.28' of assessable footage. This translates into an estimated improvement cost of \$195 per assessable foot. The assessment figure will be at a cost not to exceed \$32.00 per assessable foot as established in the 2005 Special Assessment Rates for this type of improvement

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

January 12, 2005

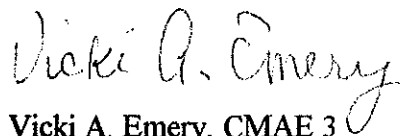
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Southern Avenue between Sixth Street and Seaway Drive. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is January 12, 2005.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$32.00 for the reconstruction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$34.43. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A. Emery, CMAE 3

Sr Appraiser

January 14, 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 JANUARY 25, 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.

January 14, 2005

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 1

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

The proposed special assessment district will be located as follows:

All parcels abutting Southern Ave. from Sixth St. to Seaway Dr.

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 JANUARY 25, 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

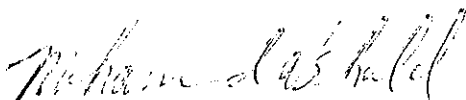
The total estimated cost of the street portion of the project is \$550,000.00 of which approximately 16.57% (\$91,112.96) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
SOUTHERN AVE., SIXTH ST. TO SEAWAY DR. – H-1587
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.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: \$243.68 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$7,797.76

Property Description

CITY OF MUSKEGON
REVISED PLAT 1903
LOTS 1 THRU 9 AND &
VAC ALLEY ABUTTING SAID LOTS BLK 415
ALSO LOT 15 BLK 416
EXC PART USED FOR R R PURPOSES BLK 416

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

SPECIAL ASSESSMENT

H 1587

RECONSTRUCTION & UTILITIES

HEARING DATE

JANUARY 25, 2005

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

1	LORENZ ELDON L TRUST	ASSESSABLE FEET:	243.68
24-205-415-0001-00	600 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 590.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$7,797.76

2	CITY OF MUSKEGON	ASSESSABLE FEET:	57.75
24-205-416-0014-00	933 TERRACE ST PO BOX 536	COST PER FOOT:	\$32.00
@ 579.0 W GRAND AVE	MUSKEGON MI 49443-053	ESTIMATED P.O. COST:	\$1,848.00

3	LANGE ROBERT A	ASSESSABLE FEET:	125.75
24-205-416-0008-00	615 W DALE AVE	COST PER FOOT:	\$32.00
@ 552.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$4,024.00

4	LANGE PROPERTIES LLC	ASSESSABLE FEET:	75
24-205-416-0010-00	PO BOX 719	COST PER FOOT:	\$32.00
@ 1541. 8TH ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$2,400.00

5	BEASLEY LOLA	ASSESSABLE FEET:	37.5
24-205-417-0010-00	428 CATAWBA AVE	COST PER FOOT:	\$32.00
@ 488.0 W SOUTHERN	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,200.00

6	MAJOR CHERYL K	ASSESSABLE FEET:	75
24-205-417-0010-10	476 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 476.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,400.00

7	WHEELER ABRAHAM	ASSESSABLE FEET:	50
24-205-417-0009-00	412 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 466.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,600.00

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

8	WHEELER ABRAHAM	ASSESSABLE FEET:	50
24-205-417-0008-00	458 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 458.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,600.00</u>
9	WALKER GERTHA	ASSESSABLE FEET:	50
24-205-417-0007-00	450 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 450.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,600.00</u>
10	WESTPHAL JERRY A	ASSESSABLE FEET:	50
24-205-417-0006-00	PO BOX 5102	COST PER FOOT:	\$32.00
@ 1543. PARK ST	MUSKEGON MI 49445	<u>ESTIMATED P.O. COST:</u>	<u>\$1,600.00</u>
11	WHEELER ABRAHAM	ASSESSABLE FEET:	54.8
24-205-418-0007-00	458 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 412.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,753.60</u>
12	WHEELER ABRAHAM	ASSESSABLE FEET:	56
24-205-418-0007-10	412 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 402.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,792.00</u>
13	NORWOOD KERRY L	ASSESSABLE FEET:	55.3
24-205-418-0008-00	2152 HUNTERS PARK WEST	COST PER FOOT:	\$32.00
@ 394.0 W SOUTHERN	SAINT CLAIR MI 48079	<u>ESTIMATED P.O. COST:</u>	<u>\$1,769.60</u>
14	WHEELER ABRAHAM	ASSESSABLE FEET:	55
24-205-418-0008-10	412 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 384.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,760.00</u>

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

15	CITY OF MUSKEGON	ASSESSABLE FEET:	5.3
24-205-418-0008-20	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 372.0 W SOUTHERN	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	\$169.60
16	VAZQUEZ CARLOS	ASSESSABLE FEET:	50
24-205-418-0008-30	15136 OAKLAND	COST PER FOOT:	\$32.00
@ 374.0 W SOUTHERN	SPRING LAKE MI 49456	<u>ESTIMATED P.O. COST:</u>	\$1,600.00
17	STATE OF MICHIGAN	ASSESSABLE FEET:	0
24-205-419-0007-00	PO BOX 30735	COST PER FOOT:	\$32.00
@ 1542. 7TH ST	LANSING MI 48909-823	<u>ESTIMATED P.O. COST:</u>	\$0.00
18	DAVIS DORIS	ASSESSABLE FEET:	56.6
24-205-419-0007-10	1715 GLENVALE CT SW	COST PER FOOT:	\$32.00
@ 340.0 W SOUTHERN	WYOMING MI 49519	<u>ESTIMATED P.O. COST:</u>	\$1,811.20
19	BIGLER MARVIN F TRUST	ASSESSABLE FEET:	47
24-205-419-0008-00	918 BARAGA ST NE	COST PER FOOT:	\$32.00
@ 328.0 W SOUTHERN	GRAND RAPIDS MI 49503	<u>ESTIMATED P.O. COST:</u>	\$1,504.00
20	CREWS JACQUELINE ET AL	ASSESSABLE FEET:	47
24-205-419-0009-00	3528 MOHAWK DR	COST PER FOOT:	\$32.00
@ 322.0 W SOUTHERN	MUSKEGON MI 49441-421	<u>ESTIMATED P.O. COST:</u>	\$1,504.00
21	DEUTSCHE BANK NATIONAL TR	ASSESSABLE FEET:	47
24-205-419-0010-00	19900 PLUMMER ST # N180104	COST PER FOOT:	\$32.00
@ 314.0 W SOUTHERN	CHATSWORTH CA 91311-554	<u>ESTIMATED P.O. COST:</u>	\$1,504.00

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

22	WOLDRING CHRISTINE F	ASSESSABLE FEET:	47
24-205-419-0011-00	3121 MEYERS DR	COST PER FOOT:	\$32.00
@ 306.0 W SOUTHERN	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,504.00</u>
23	BASCH JEFF	ASSESSABLE FEET:	68.8
24-205-419-0012-00	3703 TAYLOR ST	COST PER FOOT:	\$32.00
@ 1541. 6TH ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$2,201.60</u>
24	S & R KADO LLC	ASSESSABLE FEET:	132
24-205-432-0001-00	631 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 631.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$4,224.00</u>
25	SEAWAY STORAGE LLC	ASSESSABLE FEET:	100
24-205-432-0014-00	PO BOX 719	COST PER FOOT:	\$32.00
@ 1573. MESSLER S	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	<u>\$3,200.00</u>
26	SEAWAY STORAGE LLC	ASSESSABLE FEET:	173.95
24-205-431-0007-00	PO BOX 719	COST PER FOOT:	\$32.00
@ 1600. MESSLER S	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	<u>\$5,566.40</u>
27	CITY OF MUSKEGON	ASSESSABLE FEET:	119.05
24-205-431-0006-00	933 TERRACE ST PO BOX 536	COST PER FOOT:	\$32.00
@ 561.0 W SOUTHERN	MUSKEGON MI 49443-053	<u>ESTIMATED P.O. COST:</u>	<u>\$3,809.60</u>
28	SPEC DEVELOPMENT LLC	ASSESSABLE FEET:	109.5
24-205-431-0003-00	1104 IVANHOE DR	COST PER FOOT:	\$32.00
@ 543.0 W SOUTHERN	MUSKEGON MI 49445	<u>ESTIMATED P.O. COST:</u>	<u>\$3,504.00</u>

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

29	MESCALL JULIE A/BAYNE BRET	ASSESSABLE FEET:	75
24-205-431-0002-10	515 SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 515.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,400.00
30	BOGNER LAWRENCE F	ASSESSABLE FEET:	50
24-205-431-0001-00	509 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 509.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,600.00
31	CITY OF MUSKEGON	ASSESSABLE FEET:	101.5
24-205-430-0004-00	933 TERRACE ST	COST PER FOOT:	\$32.00
@ 487.0 W SOUTHERN	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$3,248.00
32	LEE LINWOOD E II	ASSESSABLE FEET:	48.5
24-205-430-0003-00	19065 ELIZABETH CT	COST PER FOOT:	\$32.00
@ 475.0 W SOUTHERN	SPRING LAKE MI 49456	ESTIMATED P.O. COST:	\$1,552.00
33	STATE OF MICHIGAN	ASSESSABLE FEET:	0
24-205-430-0002-00	430 W ALLEGAN 1ST FLOOR	COST PER FOOT:	\$32.00
@ 469.0 W SOUTHERN	LANSING MI 48922	ESTIMATED P.O. COST:	\$0.00
34	HULBERT KATHERINE Z	ASSESSABLE FEET:	25
24-205-430-0002-10	465 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 465.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$800.00
35	MINTON DIMPLE	ASSESSABLE FEET:	44
24-205-430-0001-00	457 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 457.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,408.00

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

36	SCHWARTZ ROBBY P/KATHLEN	ASSESSABLE FEET:	45
24-205-430-0001-10	12891 OAK CREST LN	COST PER FOOT:	\$32.00
@ 447.0 W SOUTHERN	GRAND HAVEN MI 49417	ESTIMATED P.O. COST:	\$1,440.00
37	MUSKEGON PUBLIC SCHOOLS	ASSESSABLE FEET:	0
24-205-429-0001-00	CRAIG SCHOOL	COST PER FOOT:	\$32.00
@ 1580. PARK ST		ESTIMATED P.O. COST:	\$0.00
38	KLINGEL RHONDA	ASSESSABLE FEET:	45
24-205-428-0001-00	PO BOX 252	COST PER FOOT:	\$32.00
@ 353.0 W SOUTHERN	FRUITPORT MI 49415-025	ESTIMATED P.O. COST:	\$1,440.00
39	KAMP ROGER A SR	ASSESSABLE FEET:	47.5
24-205-428-0001-10	517 LIVINGSTON AVE NE	COST PER FOOT:	\$32.00
@ 347.0 W SOUTHERN	GRAND RAPIDS MI 49503	ESTIMATED P.O. COST:	\$1,520.00
40	BAILEY LYN D/MARSHA	ASSESSABLE FEET:	45
24-205-428-0001-20	339 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 339.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,440.00
41	DOREMIRE ROBERT/DEBRA	ASSESSABLE FEET:	47
24-205-428-0022-00	3848 W TOWERING OAKS CIR	COST PER FOOT:	\$32.00
@ 329.0 W SOUTHERN	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,504.00
42	LINSTROM KATHLEEN	ASSESSABLE FEET:	47
24-205-428-0021-00	323 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 323.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,504.00

SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

43	KENDALL BETTY A ET AL	ASSESSABLE FEET:	47
24-205-428-0020-00	315 W SOUTHERN AVE	COST PER FOOT:	\$32.00
@ 315.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,504.00</u>

44	LANGLOIS JAMES A/PATRICIA A	ASSESSABLE FEET:	47
24-205-428-0019-00	2976 ROOSEVELT RD	COST PER FOOT:	\$32.00
@ 307.0 W SOUTHERN	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,504.00</u>

45	MCCLAIN JODIE M	ASSESSABLE FEET:	68.8
24-205-428-0018-00	1561 6TH ST	COST PER FOOT:	\$32.00
@ 1561. 6TH ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,201.60</u>

SUM OF ASSESSABLE FOOTAGE:	<u>2822.28</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$90,312.96</u>
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TOTAL NUMBER OF ASSESSABLE PARCELS

~~25.00~~
43.00

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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

Assessment Information

Property Address: 543 W SOUTHERN AVE

Parcel Number 24-205-431-0003-00

Assessable Frontage: \$109.50 Feet

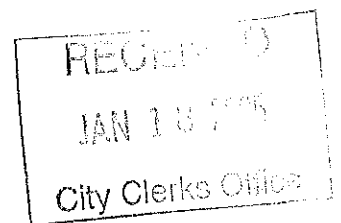
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$3,504.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 3-5 BLK 431

ALSO
LOT 2 BLK 431 EXC THAT PART DESC AS:



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner JAMES D PERREAULT CoOwner/Spouse

Signature James D Perreault Signature Jerry D. Tanis

Address 543 W. Southern Ave Address 543 W. Southern Ave.

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

OFFICIAL RESPONSE CARD

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address: 328 W SOUTHERN AVE

Parcel Number 24-205-419-0008-00

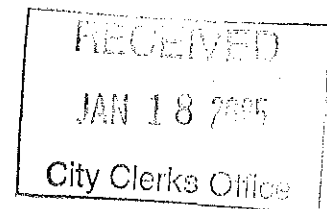
Assessable Frontage: \$47.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,504.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 8 BLK 419



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 MARVIN F. BIGLER

CoOwner/Spouse _____

Signature *Marvin F. Bigler*

Signature _____

Address 918 BARAGA ST. NE

Address _____

GRAND RAPIDS, MI 49503-1803

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

01487000-0001 (0000)

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

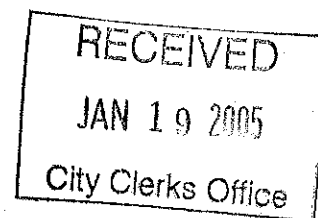
Property Address: 465 W SOUTHERN AVE

Parcel Number 24-205-430-0002-10

Assessable Frontage: \$25.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$800.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
E 1/2 LOT 2 BLK 430

Your vote C

Please vote either in favor or opposed to the

I AM IN FAVOR



Owner Kathe Hulbert COO

Signature Kathe Hulbert

Address 465 W Southern

Thank you for taking the time to vote or

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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

Assessment Information

Property Address: 306 W SOUTHERN AVE

Parcel Number 24-205-419-0011-00

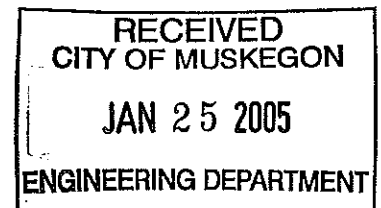
Assessable Frontage: \$47.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,504.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 11 BLK 419



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 Christine Waldring CoOwner/Spouse _____

Signature Christine Waldring Signature _____

Address 306 W. Southern Address _____

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

WALDRING-01-2005-F

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address: 323 W SOUTHERN AVE

Parcel Number 24-205-428-0021-00

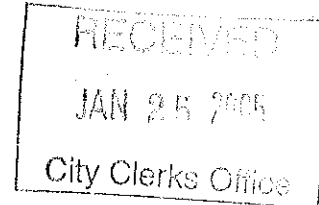
Assessable Frontage: \$47.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,504.00

Property Description

CITY OF MUSKEGON
REVISED PLAT 1903
LOT 21 BLK 428



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 Kathleen Linstrom Co Owner/Spouse _____

Signature Kathleen Linstrom Signature _____

Address 323 W. SOUTHERN AVE Address _____

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

UNIVERSITY OF MICHIGAN

42

Muskegon MI
49441

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address: 322 W SOUTHERN AVE

Parcel Number 24-205-419-0009-00

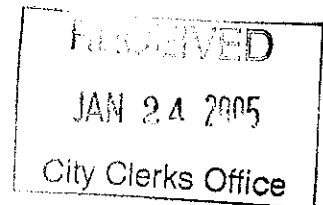
Assessable Frontage: \$47.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,504.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 9 BLK 419



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

Jacqueline Crews

Owner/Spouse

Melvin Crews

Signature

Jacqueline Crews

Signature

Melvin Crews

Address

3528 Mohawk Drive

Address

3528 Mohawk Dr

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

FORM 2004-01-01

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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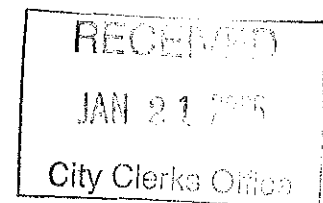
Assessment Information

Property Address: 1573 MESSLER ST
Parcel Number 24-205-432-0014-00
Assessable Frontage: \$100.00 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$3,200.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 12-16 BLK 432



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

Connie Hanes

CoOwner/Spouse

Signature

Connie Hanes

Signature

Address

615 W Dake

Address

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

DRACHTMAN, LLP

25

Isn't our TAXES suppose to pay
For road improvements

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

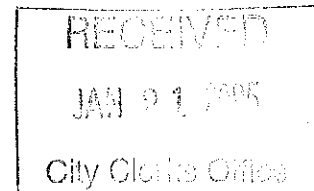
Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address:	1600 MESSLER ST
Parcel Number	24-205-431-0007-00
Assessable Frontage:	\$173.95 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$5,566.40



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 7 BLK 431 DESC AS
COM @ INT OF NLY ROW LN FOREST AVE &
WLY ROW LN PENNSYLVANIA RR
TH N 89D 58M W 194.10 FT TO ELY ROW WAGNER AVE

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

Sonnie Hayes
Sonnie Hayes

CoOwner/Spouse

Signature

Sonnie Hayes

Signature

Address

615 W Dale

Address

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

HEAVENLY CREATIONS LLC

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

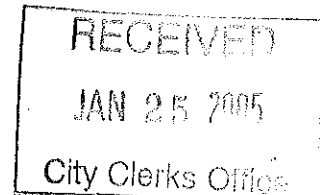
Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

Property Address:	1561 6TH ST
Parcel Number	24-205-428-0018-00
Assessable Frontage:	\$68.80 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,201.60



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 18 BLK 428

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

Jodi McGlavin

CoOwner/Spouse

Signature

Jodi McGlavin

Signature

Address

1561 - 6th St. Muskegon

Address

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

MUSKEGON

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 25, 2005

Project Title: SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

Project Description: RECONSTRUCTION & UTILITIES

INSTRUCTIONS

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Assessment Information

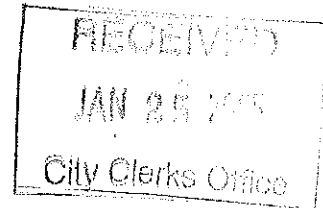
Property Address: 315 W SOUTHERN AVE

Parcel Number 24-205-428-0020-00

Assessable Frontage: \$47.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,504.00



Property Description

CITY OF MUSKEGON
REVISED PLAT 1903
LOT 20 BLK 428

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

BETTY A. KENDALL

CoOwner/Spouse

Signature

Betty A. Kendall

Signature

Address

315 W. SOUTHERN AVE

Address

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

43

H-1587 - SOUTHERN AVE., SIXTH ST. TO SEAWAY DR.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 43									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2822.28 ***		34	465	W. SOUTHERN	24-205-430-0002-10	25.00	25	1573	MESSLER	24-205-432-0014-00	100.00
FRONT FEET OPPOSED	640.25	22.69%	43	315	W. SOUTHERN	24-205-428-0020-00	47.00	26	1600	MESSLER	24-205-431-0007-00	173.95
								45	1561	SIXTH ST.	24-205-428-0018-00	68.80
RESPONDING FRONT FEET IN FAVOR	72.00	2.55%						22	306	W. SOUTHERN	24-205-419-0011-00	47.00
								20	322	W. SOUTHERN	24-205-419-0009-00	47.00
NOT RESPONDING - FRONT FEET IN FAVOR	2110.03	74.76%						42	323	W. SOUTHERN	24-205-428-0021-00	47.00
								19	328	W. SOUTHERN	24-205-419-0008-00	47.00
TOTAL FRONT FEET IN FAVOR	2182.03	77.31%						28	543	W. SOUTHERN	24-205-431-0003-00	109.50

TOTALS

72.00

640.25

TABULATED AS 01/26/2005 12:17 PM

TO: Mayor and City Commission

FROM: Gail A. Kunding, City Clerk

DATE: January 19, 2005

RE: Agreements with Orchard View School District and Reeths-Puffer School District.

At your January 25th City Commission meeting I have placed on the agenda a request for approval of an agreement with the Muskegon Public School District to conduct their school elections.

Residents in our city also are in Orchard View School District (approximately 50 voters) and Reeths-Puffer School District (only 3 voters), and as required by Election Consolidation law I am required to sign the agreements for these school districts also. The elections for Orchard View will be run by Muskegon Township Clerk and Reeths-Puffer will be run by Fruitland Township Clerk. We will not be required to do anything for these school districts.

I am requesting that you give me the authority to sign both additional agreements after the city attorney has reviewed them.

Date: January 25, 2005
To: Honorable Mayor and City Commissioners
From: City Clerk Gail Kunding
RE: Agreement with Muskegon Public Schools for Election Services

SUMMARY OF REQUEST: To approve the Agreement with Muskegon Public Schools for Elections Services provided for all District School Elections. Under the new Election Consolidation legislation schools are no longer legally able to conduct their own elections. All duties are turned over to an Election Coordinating Committee made up of the clerks from communities in the School District, the County Clerk and the School District. One individual is selected as the Election Coordinator and since we have the largest number of residents in the district we will be the Coordinator. This really is what we have been doing over the past 10 years that I have been Clerk in Muskegon. So it is business as usual regarding school elections except for some specifics in the law that requires a signed agreement by all members of the District Coordinating Committee. We will be reimbursed for all actual costs for the Elections. Both the City Attorney and the School District Attorney have reviewed the agreement and approved it as written.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Election Coordinating Committee recommends approval.

Initial Report to the Secretary of State
from the
Election Coordinating Committee
for the
Muskegon Public Schools
(Muskegon County, Michigan)

Pursuant to MCL Section 168.305(I) as amended, the Election Coordinating Committee (the "Committee") for the Muskegon Public Schools, Muskegon County, Michigan (the "District") held its initial meeting, following the January 1, 2005 effective date of the State's new election consolidation legislation, on January 10, 2005.

The Committee makes and files this initial report with the Secretary of State, pursuant to MCL Section 168.305(I) as amended, to set forth the arrangements that have been agreed upon for the conduct of the District's elections (both regular and special).

Pursuant to MCL Section 168.4(d)(ii) as amended, the District's Election Coordinating Committee is composed of the following:

- Muskegon County Clerk (Karen D. Buie)
- Norton Shores City Clerk (Lynne Fuller)
- Muskegon Public School District (Joseph Schulze)
- City of Muskegon Clerk (Gail Kunding), the District's Election Coordinator

The District has territory in more than one city or township, and the committee agrees that the Muskegon City Clerk (Gail A. Kunding) will serve as the District's Election Coordinator.

The District's Board of Education has, pursuant to statute, selected the annual May election date (i.e. the first Tuesday after the first Monday in May of both even and odd years) for holding its regular school elections. The District's Board of Education, consisting of seven members serving four year terms, are elected at the District's regular elections.

The arrangements for the conduct of the District's elections (both regular and special), as initially agreed upon by the Committee, are as follows:

A Election Coordinator Duties. The District's Election Coordinator (i.e. the Muskegon City Clerk) shall:

1. Conduct the district's regular elections and receive requests from the District's School Board to hold special elections; and receive petitions for District regular and special elections as permitted by statute.
2. Receive nominating petitions, filing fees and affidavits of identity from candidates for the District's Board of Education.
3. Provide qualified voter file precinct lists.
4. Certify candidates for the District's Board of Education.
5. Receive ballot proposal language.

6. Handle ballot printing and proofing. Procure all necessary ballots and order supplies for the election.
7. Prepare and publish (in accordance with legal requirements) the notices of registration (i.e. last day of registration) and the notices of election.
8. Arrange for such programming/coding of voting equipment as may be required; and ensure that the voting equipment is properly tested.
9. Perform such other duties as are necessary to the proper conduct and handling of the District's elections.
10. Recruitment and approval of qualified election inspectors. Train election inspectors.
11. Distribute, receive and process absent voter ballot applications, and handle the issuance and return of absentee ballots.
12. Publish accuracy test notices (in accordance with legal requirements) in connection with the use of electronic voting equipment; and conduct proper tests of the voting equipment.
13. Arrange and handle the set-up of polling places for the election.
14. Handle election day issues and troubleshooting.
15. Upon receipt of the same, transmit election results to the County Board of Canvassers for the canvass and certification of the election.
16. Store voted ballots after the election.
17. Prepare and present reimbursement requests to Muskegon Public School District.

C. District Only Issue Elections. When a District election (whether regular or special) occurs within a city or township which lies (in whole or in part) within the District on a date when the only issue(s) being voted upon are District issues, then and in such event the following provisions shall apply:

1. The arrangements set forth in Paragraphs A above (including their respective subparagraphs) will apply; and the Election Coordinator (i.e. the Muskegon City Clerk) shall conduct the District election within said city or township, except for any lawfully delegated duties; and
2. The District's established voting precincts and polling places within said city or township shall be used for the District's election. (MCL Section 168.305(4) as amended).

D. District Plus Other (i.e. Non-District) Issue Elections. When a District election (whether regular or special) occurs within a city or township which lies (in whole

or in part) within the District on a date when the city or township is also holding an election (whether for elective office and/or on a ballot question), then and in such event the following provisions shall apply:

1. The arrangements set forth in Paragraphs A above (including their respective subparagraphs) shall be modified in such manner and to such extent as may be agreed upon in writing,
2. The Election Coordinator agrees to use the District's polling places, which are the same precincts and polling places as are used for state and federal elections; and if such use changes the polling place used by District electors in District only elections, then and in such event the city or township clerk shall provide the District electors with timely and proper notice of the location of the different polling place to be used for the election. This will ensure that electors wishing to vote both in the District election and in the election being held within the city or township on other (non-District) issues will not be required to vote at two different locations. (MCL Section 168.305(4) as amended.)

- E. Cost Reimbursement. For conducting or assisting (by virtue of a delegation of duties) in the conduct of the District's elections (both regular and special), the County and City shall be paid by the District an amount determined in accordance with MCL Section 168.315 as amended. In this regard, if the District's election is held in conjunction with another election conducted by the County, city or township, the District shall pay 100 percent of the actual *additional* costs attributable to conducting the District's election. If the District's election is not held in conjunction with another election conducted by the County, city or township, the District shall pay 100 percent of the actual cost of conducting the District's election.

The County, and each city or township, shall provide the District with a verified account of its reimbursable costs within 84 days after the election; and the District shall pay or disapprove all or a portion of each such verified account within 84 days after receipt of the same. Such verified accounts shall be prepared and evaluated in accordance with MCL Section 168.487 as amended (e.g. reimbursable costs do not include salaries of permanent local officials, the cost of reusable supplies and equipment, etc.).

In the event the District's Board disapproves of all or a portion of a verified account, the Board shall cause notice of such disapproval (together with the reasons for it) to be sent to the County, city or township. If requested by the County, city or township, the Board shall review its disapproval with the County, city or township. If the District and the County cannot agree on the reimbursable costs, the Secretary of State shall determine the same. If the District and a city or township cannot agree on the reimbursable costs, the disagreement shall be mediated by the Muskegon County Clerk prior to submission (if necessary) of the disagreement to the Secretary of State for final determination.

- F. Other Arrangements. The District's Election Coordinator may call such further meetings of the District's Election Coordinating Committee, not less often than every two years, as he or she may deem necessary or advisable to consider such changes or modifications to the arrangements set forth in this report as the

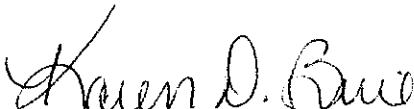
Election Coordinating Committee may agree upon; and the District's Election Coordinator shall file such further reports with the Michigan Secretary of State as may be required.

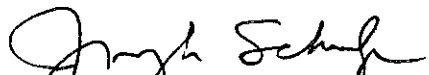
It is further contemplated that the District's Election Coordinator may, with the consent and approval of the District's Superintendent, consult with the District's legal counsel or others as may be required or appropriate to ensure the proper preparation for and conduct of the District's elections.

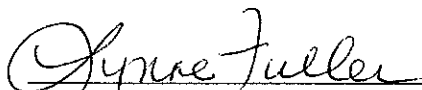
A copy of this report, having been approved and signed by each member of the District's Election Coordinating Committee, shall be filed by the Election Coordinator with the Secretary of State and shall be provided to each member of the Committee. The Secretary of State's copy (original) shall be mailed to:

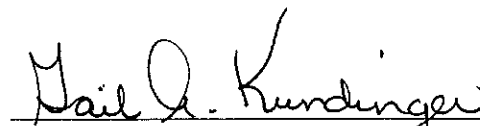
Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, MI 48901-0726

Dated:


Karen D. Buie
Muskegon County Clerk


Joseph Schulze, Superintendent
Muskegon Public Schools


Lynne Fuller
Norton Shores City Clerk


Gail A. Kunder, MMC
Muskegon City Clerk

* This agreement will take effect immediately and will be in effect for two years, at which time the District's Election Coordinating Committee will meet to discuss future agreement specifics.

Date: January 25, 2005
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Taxicab License
Great Lakes Shuttle
1087 W. Laketon

SUMMARY OF REQUEST: Stephanie Tilford of Great Lakes Shuttle, whose office is located at 1087 W. Laketon, is requesting approval of a license to operate five taxicabs.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this request contingent upon approval from the Police Department, Inspections, and applicant obtaining a special use permit for the location.

APPLICATION FOR TAXICAB OPERATOR
in the
CITY OF MUSKEGON, MICHIGAN

Name of Company (d,b,a.) GREAT LAKES SHUTTLE
Address of Office 1087 W. LAKEVIEW AVE. MUSKEGON, MI. 49441

Name & Residence of each person interested in or connected with the above, individual, firm or corporation.) William M. Law SLOOTEN ^{9450 Buchanan} W. LAKEVIEW, MI Age 47
) STEPHANIE TILFORD ^{1928 ARBOR} MUSKEGON Age 38
730-5330 or 759-5506-H
) DAVID J MOORE ²⁹⁹⁶ LAKEVIEW Age 50
IN MUSKEGON

Present Business of each person connected with the above application. _____

Give experience of applicant in taxicab business in this City or elsewhere. PONT CITY CAB- 6 YEARS

Number of cabs applicant proposes to use STARTING: 5 INCREASING TO: 10

Are there any unpaid or unbonded judgments of record against the applicant NO

Have any of the persons connected with the above as individual, firm or corporation been charged with or convicted of any crime or misdemeanor, if so, state date and Court. NO

Name of insurance company with which applicant is insured and amount of coverage. AMERICAN CASUALTY

Name of local agent or representative. MOORE FOSTER - ADAM HIRSCH

Is the above applicant the sole owner of all the automobiles proposed to be used? YES

State liens, mortgages or other encumbrances including conditional sales contracts on such taxicabs. _____

Attached hereto is a list of the automobiles with name of make, body-style, year, serial and engine number, state license plate number, seating capacity, weight of car which is considered a part of this application.

The applicant's annual financial and profit and loss statements covering his operations during the last preceding fiscal year shall be attached to this application.

Signature [Signature]
1/18/05

Subscribed and sworn to before me a Notary Public in and for Muskegon County, Michigan, this 18th day of JANUARY, 2005.

My commission expires _____
Michael A. Reukowski
Notary Public
5-15-05

Application Approved
MICHAEL A. REUKOWSKI
Notary Public, Muskegon County, MI
Acting In Kent County, MI
My Commission Expires 2/15/2005
Chief of Police

Date: January 25, 2005
To: Honorable Mayor and City Commission
From: Robert Veneklasen, Water Filtration
RE: Water Plant Improvements Change Order

SUMMARY OF REQUEST:

To approve change order # 6 of the Water Filtration Plant Improvements Project. A portion of this change order was authorized as "emergency" within the City's purchasing plan in order to keep the construction project on schedule. The remainder of the items are similarly critical but do not affect the project schedule.

FINANCIAL IMPACT:

The total cost of change order #6 is \$159,561.00.

BUDGET ACTION REQUIRED:

None at this time. The change order cost will be applied to the total cost of the Improvements Project as funded by the Drinking Water Revolving Loan Fund.

STAFF RECOMMENDATION:

Staff recommends approval of the items authorized by the "emergency" procedure and the additional items as indicated in change order #6.



TETRA TECH MPS

3949 Sparks Drive SE, Suite 101, Grand Rapids, MI 49546
Telephone: 616.942.5566
Fax: 616.942.5787

Distribution: Owner - 1
Contractor - 1
Engr (Office -1, RPR - 1)
Steve Bush - MDEQ GR- 1
Mike Cox- MDEQ LA- 1

CHANGE ORDER

Owner: City of Muskegon **Title:** Water Filtration Plant improvements
Contractor: Muskegon Construction Company
Contract No. 0482.031-W-1
Change Order No.: 6 **Date:** 1/17/05

TO THE CONTRACTOR NAMED ABOVE:

Under the above contract and upon approval of the Owner, we hereby recommend the following changes to the contract:

1. Cover the existing ceiling on the first floor of the south vestibule of the Auxiliary Pump Station with a drywall ceiling supported by metal studs.

ADD \$910.00

REASON: The existing plaster ceiling is deteriorating and drywall is an economical solution.

2. Provide brushed aluminum receptacle, data, and phone fixtures on the proposed laboratory casework.

ADD \$2,291.00

REASON: The casework did not include electrical fixtures.

3. Locate the turbidimeters near the filtered water confluence point in Filters 7-10 pipe gallery in lieu of the west wall of the Wet Laboratory.

ADD \$3,190.00

REASON: Relocating the turbidimeters will provide additional space and accommodate new equipment in the Lab.

4. Provide an electric duct heater with controls in the duct serving Rooms 100 and 101.

ADD \$3,447.00

REASON: A long-term operational savings will be realized because the duct heater will provide supplementary heat when the boiler is not in service, reducing the number of days the boiler is required to operate.

5. Provide a new trench drain along the entire north wall and the northerly 15 feet of the west wall connecting to a 4-inch pipe drain under the floor to the north end of the HS suction pipe trench.

ADD \$1,488.00

REASON: The trench drain will allow groundwater leakage along the walls to drain to the pipe trenches without traversing across the floor.

6. Coat exposed reinforcing steel in the ceiling of Filters 1-6 gallery.
Hand prepare the steel to be repainted.

ADD \$6,913.00

REASON: The existing exposed resteel in the selected locations is not causing concrete spalling and can be adequately be repaired by sealing with a rust inhibiting coating. This change will ultimately reduce the amount of unit price concrete surface repair required.

7. Perform lead abatement to the piping in the existing Influent Valve Vault to the Harvey Street Reservoir. Pressure wash the existing coal tar off from the reservoir piping. Existing primer to remain. Coat the piping in the Reservoir with two coats of Tnemec Pota Pox Series 20.

NO CHANGE

REASON: The existing coating in the Valve Vault and Reservoir has tested positive for containing lead based primer. The existing primer in the Reservoir is in good condition and can be encapsulated with NSF approved coating. A cost savings is realized by encapsulating the reservoir piping. However, the coating in the Valve Vault must be sandblasted and lead abatement must be performed. The savings in the Reservoir is applied to lead abatement in the Valve Vault to result in no net change in cost.

8. Clean and coat the interior of the existing influent pipe at the Harvey Reservoir with Tnemec Series 400 Elastoshield Polyurea.

ADD \$1,709.00

REASON: The existing piping has been severely corroded. The pipe cannot be replaced in a cost effective manner, due to the location of the leaks.

9. Remove existing insulation on the discharge piping in the High Service Pump Station. Perform lead abatement and paint the existing piping. Provide new Type 1 insulation as specified.

ADD \$75,022.00

REASON: The existing insulation was removed in the location of the proposed connection to the new water main. The existing piping under the insulation was coated with primer only and is experiencing corrosion, indicating a performance failure of the existing insulation. The existing pipe coating tested positive for containing lead based primer.

10. Cap the sides of the window openings in the common wall between the Pretreatment Building and the South Filter Building. Provide aluminum sheet metal with concealed fasteners.

ADD \$6,257.00

REASON: After the existing block windows were demolished, the remaining exposed brick that was previously covered by the windows shows evidence of damaged from freeze-thaw processes. This condition was concealed by the block windows.

11. Recoat the existing floor surfaces in the Filters 1-6 gallery and Filters 7-10 gallery with Epoxy paint. Prepare the existing surface with a drum sander utilizing vacuum dust control.

ADD \$4,325.00

REASON: The existing floor enamel coating was damaged during construction activities. The Owner has chosen an Epoxy replacement coating, which is more expensive, however, more durable than floor enamel. The Owner and Contractor have agreed to share the \$8000 expense.

12. Change the height of the proposed chain link fence at the High Service Pump Station from 6-foot to 10-foot (Two of which is to be ground buried).

ADD \$5,061.00

REASON: Owner's request to improve the security of the Water Filtration Plant.

13. Remove existing decorative handrail at the south end of the Filters 1-6 Pipe Gallery. Provide new aluminum handrail on the existing concrete stairway.

ADD \$3,117.00

REASON: The existing railing is severely corroded and is in need of replacement. The cost savings from not performing the scheduled lead abatement and painting will be applied to lead abatement at the Auxiliary Pump Station.

14. Remove paint from the ceiling of the Filters 7-10 Filter Gallery.

ADD \$6,766.00

REASON: The existing paint is peeling and falling in the filters.

15. Perform concrete crack repair and concrete surface repair (less than 2-inch depth) on the ceiling of the Filters 1-6 Filter Gallery. The cost was calculated based on approximate quantities. The cost will be adjusted according to actual repaired quantities and adjusted in a balancing change order.

ADD \$39,065.00

REASON: The Contract concrete crack repair and surface repair prices did not include the ceiling over the filters. Additional setup is required for these areas. Additional materials are required for overhead applications. The cracks present a potential for moisture from the filter gallery to corrode the reinforcing steel in the ceiling. Surface repair is needed to protect the reinforcing steel and prevent concrete from spalling into the filter cells.

Current Contract Amount	\$15,913,332.00
This Change Order, ADD	\$159,561.00
Revised Contract Amount	\$16,072,893.00

RECOMMENDED BY: Tetra Tech MPS

Dennis J. Benoit, P.E. DATE: _____

ACCEPTED BY: Muskegon Construction Company

Gary Post, P.E. DATE: _____

APPROVED BY: City of Muskegon

Robert Veneklasen DATE: _____

MEMORANDUM

1/17/05

TO: M. AL-SHATEL, DEPUTY DPW DIRECTOR

FROM: R. VENEKLASSEN, WATER FILTRATION PLANT

RE: WATER FILTRATION PLANT IMPROVEMENTS PROJECT
CHANGE ORDER #6

The Improvements Project at the Water Filtration Plant is facing some unexpected and unforeseen items that must be addressed. There are a number of items included in change order #6; two of which (items # 11 & 15 of the attached C.O.) we found necessary to address under the emergency purchasing procedures in order to avoid delaying the project progress. Those items being the recoating of the existing floor surfaces in filters 1 – 6 and the concrete crack and surface repair on the ceiling of filter 1 – 6 gallery. These items are critical due to the work occurring in filters 1 – 6. Included is a copy of change order #6, inclusive of the two aforementioned items, for your review.

PROJECT HISTORY

The Water Plant Improvements Project began one year ago. Over the course of the year there have been a number of items that have required attention to keep the project on schedule. These items were addressed in change orders with costs that did not require City Commission action.

CHANGE ORDER COST & DWRF FUNDING

The Improvements project is funded by the State Drinking Water Revolving Fund (DWRF) with the initial bid cost of \$15,560,000.00. Due to the favorable interest rate it was decided to add the remodeling of the laboratory/control room to the available funding in the form of change order #1. The following is a breakdown of the project costs to date including change order #6.

Initial Improvements Project cost	\$15,560,000.00
Change Order #1 (lab)	\$256,800.00 (approved by Commission)
Change Order #2	\$21,346.00 (approved by Staff)
Change Order #3	\$27,913.00 (approved by Staff)
Change Order #4	\$21,152.00 (approved by Staff)
Change Order #5	\$26,121.00 (approved by Staff)
Change Order #6	\$159,561.00 (partially approved by staff)

Total project cost with change orders 1 – 6 \$16,072,893.00

The DWRF funding allows change orders up 4% of the project cost. In our circumstance this includes change order #1 for a total of \$632,672.00. Inclusive of change order #6 we will have \$376,000.00 remaining as contingency for any further unforeseen needs.

PROJECT PROGRESS

The Water Plant Improvements Project is nearly two-thirds complete. It is anticipated that the project has revealed the majority of unexpected circumstances due to this progress and there will be a minimum of items to address in the future.

Commission Meeting Date: January 25, 2005

Date: January 19, 2005
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Extending the deadline for taking action on proposed
Mall Historic District

SUMMARY OF REQUEST:

To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004 but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. Because that deadline has expired, Staff is now requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

COMMITTEE RECOMMENDATION:

Resolution No. 2005-10(d)

MUSKEGON CITY COMMISSION
RESOLUTION TO EXTEND THE DEADLINE FOR CONSIDERATION OF THE POTENTIAL
MALL HISTORIC DESIGNATION

WHEREAS, the Muskegon City Commission previously designated a historic district study committee to conduct basic research, inventory, and determine the historic significance of a resource or resources within a proposed historic district located in the mall, described as: CITY OF MUSKEGON REVISED PLAT OF 1903, Lot 16 EXC SWLY 8 FT, BLK 565 (Daniels); CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 17, BLK 565 (Century Club); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 18, BLK 565 (Savings and Loan/ GTE); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 8, BLK 311 (National City); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 11, BLK 310, AND THE E 35 FT OF N 10 FT OF VAC FIRST ST AND N ½ OF VAC E/W ALLEY ADJ. TO SD PROP (Hackley Bank);

WHEREAS, the automatic one year deadline to take action expired on January 21, 2005, and

WHEREAS, under state statute in establishing an historic district (section 399.203 of Public Act 169), the local legislative body may extend the deadline for taking action on whether or not to designate a historic district,

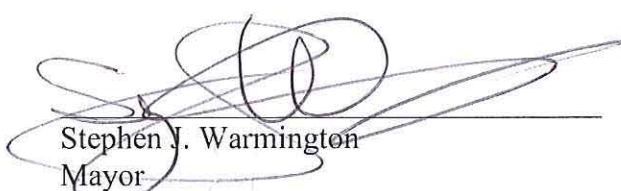
NOW THEREFORE BE IT RESOLVED, that the deadline for taking action on whether or not to designate this specific proposed historic district be extended for one year to expire on January 25, 2006.

Adopted this 25th day of January, 2005.

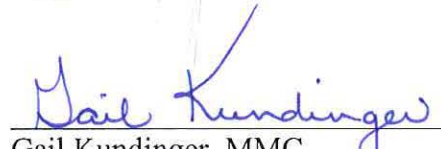
Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

Absent: None



Stephen J. Warmington
Mayor



Gail Kunding, MMC
City Clerk

CERTIFICATION
2005-10(d)

I attest that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on January 25, 2005.



Gail Kunding, MMC
Clerk

DATE: January 14, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-030173 Address: 1263 W. Larch.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1263 W. Larch** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-030173, 1263 W. Larch.

Location and ownership: This structure is located on W. Larch between Ruddiman and McGraft. It is owned by Deutsche Bank Trust in Texas and is currently in foreclosure. As of 12/03 this structure is owned by Martin/Jane Engle.

Staff Correspondence: A dangerous building inspection was conducted on 11/20/03. A notice and order to repair was issued 12/3/03. On 1/8/04 the HBA declared the structure substandard and dangerous. The case returned to the HBA 12/02/04 to allow new owners time to respond, no one was present and was declared substandard and dangerous.

Owner Contact: On 1/13/04 a contact for the bank called the Inspection office and stated the home is in foreclosure and they cannot do anything until the redemption period is up, which is 6 months. He was faxed all copies of previous notices. Mr. Engle contacted the Inspection Department in December 2004 stating he no longer owned the property he stated the property was taken by the bank. He gave contact numbers for Saxon Mortgage formerly Deutsche Bank. The Inspection Department contacted Saxon Mortgage who first said the property was sold but the Inspection Department checked and no deed was registered with said new owner. The title office was contacted that handled the sale and they reported that the sale was cancelled. Saxon Mortgage was contacted again who forward the Inspection Department to their foreclosure attorney's office. The office of the foreclosure attorney Orlands Assoc., reported that the foreclosure was never completed and that the property was still owned by Mr. Engle. A memo was sent to Mr. Engle and Saxon Mortgage stating these findings. There has been no owner contact since this time.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$18,100

Estimated cost to repair: \$8,000 plus the cost of interior repairs

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 25, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1263 W. Larch

11/20/03

Inspection noted:

1. Garage – roof is collapsing.
2. Garage – Separation wall between house and garage is damaged.
3. Garage – electrical is incomplete.
4. Residence – Soffitt & fascia is damaged.
5. Residence – Front steps need repair.
6. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
7. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1263 W. Larch
Dangerous Building

AGREEMENT

THIS AGREEMENT, made this May 3, 2005 by and between:
Press's LLC.

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____
 _____); hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **1263 W. Larch** as well as required
 supplemental work for the completion of this project, all in strict accordance with
 the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$3445.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

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

ATTEST:

CONTRACTOR:

BY: Tammy Sager - pres
Printed name and title

ATTEST:

Irene Dempsey

CITY OF MUSKEGON

BY: [Signature]
Mayor
Paul A. Kundengeri
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the man.

of the Corporation named as contractor herein;

That Tammy Sager, who signed this Agreement on behalf of the
Contractor, was then Tammy Sager - pres of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]

(CORPORATE SEAL)

Tammy Sager - pres
Printed Name and Title

DATE: January 14, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040047 Address: 1856 Continental.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1856 Continental** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN – 040047 – 1856 Continental

Location and ownership: This structure is located on Continental between E. Holbrook Rd and E. Laketon Ave. and is owned by Phyllis Passenier.

Staff Correspondence: A dangerous building inspection was conducted 04/19/04 also an interior inspection conducted 06/10/04.

Mr. and Mrs. Passenier were present for the HBA meeting. They stated they are in the process of getting estimates for the repairs now that the insurance company declared the house fixable. Bob Grabinski inquired on the construction that has been done to the home without permits and Mr. Passenier stated the house was sold on a land contract and the buyers did the work. A building permit for siding was issued 06/12/04. The permit expired 12/09/04.

Owner Contact: There has been no owner contact or inspections scheduled.

Financial Impact: General Fund

Budget action required: None

State Equalized value: \$12,949

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 25, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1856 Continental

4/19/04

Inspection noted:

1. Incomplete foundation wall – repair to 2003 Michigan Residential Code.
2. Porch on back of home must be removed and rebuilt to 2003 Michigan Residential Code.
3. Rafter investigation required on entire system.
4. Rebuild roof system to 2003 Michigan Residential Code, soffit, fascia, rafters ventilation.
5. Repair front porch – landing.
6. Remove deteriorated shed in back yard.
7. Replace all damaged siding.
8. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
9. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1856 Continental
(INTERIOR INSPECTION)
6/10/04

Inspection noted:

1. Rewire house to meet 2003 Michigan Residential Code.
2. Replace electric service to meet 2003 Michigan Residential Code.
3. Add smoke alarms to meet 2003 Michigan Residential Code.
4. Total mechanical and plumbing to be replaced to meet 2003 Michigan Residential Code.
5. Remove rooms from cellar.
6. Provide attic access – rafter inspection required.
7. Foundation wall repair – engineered design required.
8. Roof & soffit need to be replaced.
9. Remove back porch.
10. Replace basement stairs to meet 2003 Michigan Residential Code.
11. All interior framing must meet 2003 Michigan Residential Code.
12. Egress windows required to meet 2003 Michigan Residential Code.
13. One 3' x 6' 8" door required.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

AGREEMENT

THIS AGREEMENT, made this May 3, 2005 by and between:
Press's LLC.

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____
 _____); hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **1856 Continental** as well as
 required supplemental work for the completion of this project, all in strict
 accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$2795.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

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

ATTEST:

CONTRACTOR:

BY: Timmy Sager - Pres.
Printed name and title

ATTEST:

Gene Dempsey

CITY OF MUSKEGON

BY: [Signature]
Mayor
Dail L. Kunderge
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the man.

of the Corporation named as contractor herein;

That Timmy Sager, who signed this Agreement on behalf of the
Contractor, was then pres of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]

(CORPORATE SEAL)

Timmy Sager / Pres
Printed Name and Title

DATE: January 14, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040041 Address: 341 Bauer.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **341 Bauer** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN – 040041 – 341 Bauer

Location and ownership: This structure is located on Bauer between Spring St. and Pine St. and is owned by Muskegon Monument & Stone.

Staff Correspondence: A dangerous building inspection was conducted 04/30/04. No one was present to represent this case at the HBA 07/01/04 meeting. Henry Faltinowski stated he spoke with John Allen at about 4:30 and he said he would be at this meeting. A building permit to demolish was issued 07/16/04. The site has not been cleared of demolition debris.

Owner Contact: There has been no owner contact.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$1,696

Estimated cost to repair: Building not salvageable

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 25, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

341 Bauer

4/30/04

Inspection noted:

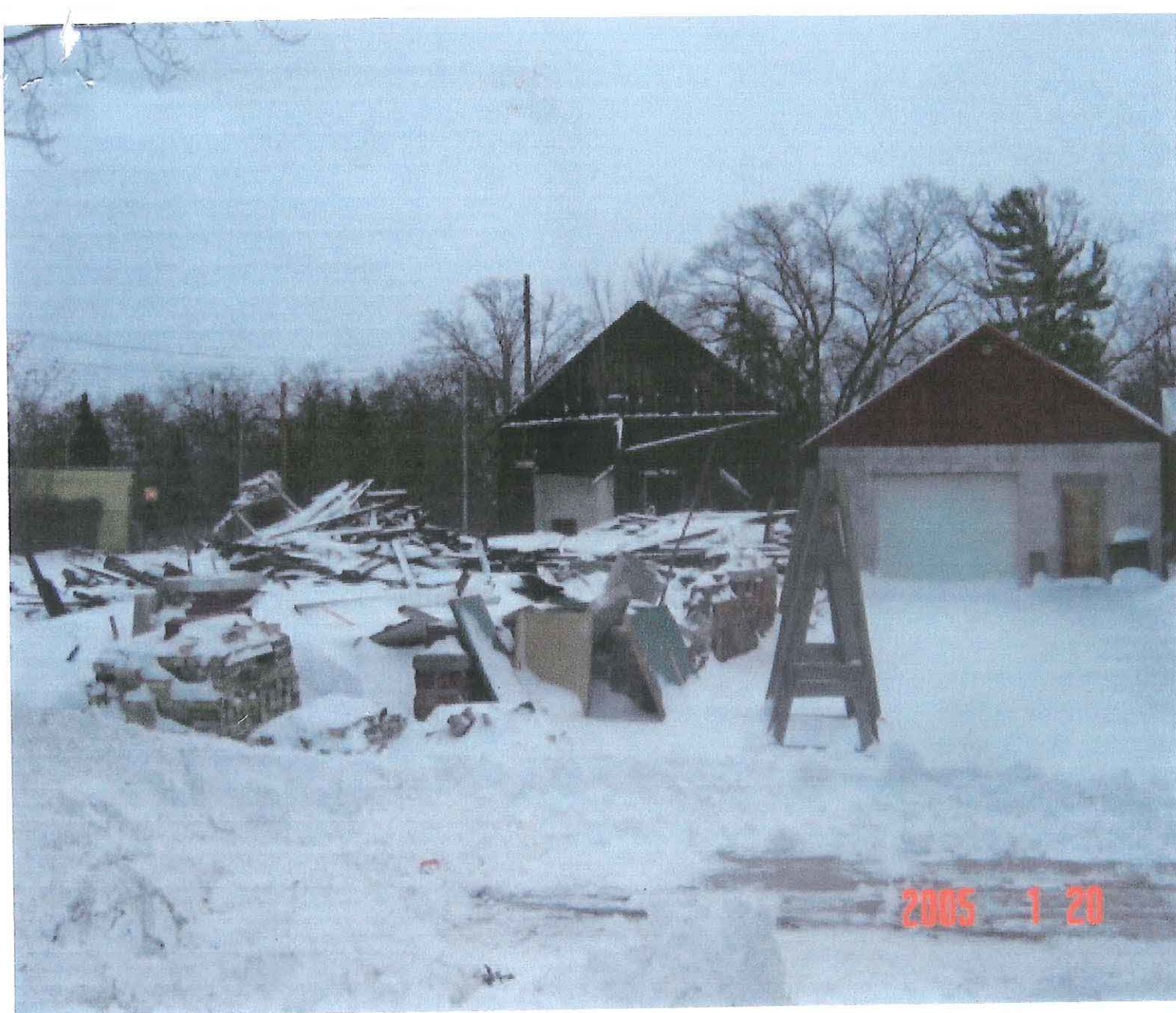
1. Building is partially demolished.
2. Trash, demolition debris on property.
3. Building is partially boarded, but is open and exposed to the elements.
4. Building appears to be gutted out.
5. Building is currently not secured.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ, BUILDING OFFICIAL

DATE



341 BAKER

1/20/2005



341 Bauer

DATE: January 14, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040059 Address: 61 Ottawa.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **61 Ottawa** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN – 040059 – 61 Ottawa

Location and ownership: This structure is located on Ottawa between Bayou and Marquette and is owned by Abonmarche Developers, P.O. Box 1088, Benton Harbor, MI 49023.

Staff Correspondence: A dangerous building inspection was conducted 5/25/04. It is a commercial building that has been vacant for some time.

Owner Contact: A fax was received the day of the HBA meeting asking for 6 months to allow them time to sell the structure. There has been no owner contact since that time.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$99,900

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 25, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

61 OTTAWA

5/25/04

Inspection noted:

1. Building boarded more than 180 days.
2. Building covered with graffiti.
3. Side entrance roof is rotted.
4. Conduit on west side of building is pulling away.
5. Cap dislodged – water leaking into masonry wall.
6. Brick walls are cracked in numerous locations.
7. Rear wall covering is exposed to weather and rotted.
8. Rear soffet is missing.
9. Roof needs to be replaced.
10. Rear block wall cracked (requires engineering evaluation).
11. Exterior light is improperly wired.
12. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
13. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I
HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A
DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN
SECTION 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ II, BUILDING OFFICIAL

DATE



61 ottawa

AGREEMENT

THIS AGREEMENT, made this May 3, 2005 by and between:
Press's LLC.

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____
 _____); hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **61 Ottawa** as well as required
 supplemental work for the completion of this project, all in strict accordance with
 the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$6530.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

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

ATTEST:

CONTRACTOR:

BY: Tammy Sager - pre
Printed name and title

ATTEST:

Irene Dempsey

CITY OF MUSKEGON

BY:

Mayor

Paul A. Kundergan
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the man

of the Corporation named as contractor herein;

That Tammy Sager, who signed this Agreement on behalf of the

Contractor, was then pre of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

Tammy Sager

(CORPORATE SEAL)

Tammy Sager - pre
Printed Name and Title

DATE: January 14, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-40067 Address: 1309 Sixth St.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1309 Sixth St.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN – 040067 – 1309 Sixth St..

Location and ownership: This structure is located on Sixth Street between Monroe St and Merrill St. and is owned by Yvette Ikens.

Staff Correspondence: This house was inspected by the trade inspectors 3/23/04 after the housing inspector realized it had never been removed from the dangerous building list since December 2002. At the time of the inspection, the house was owned by Brian VanFarowe who owns other rental properties in Muskegon. There has been no contact from him or his property manager, Alex Fortenberry, since the inspection and in July the house was open. Upon contacting Mr. Fortenberry about the missing door, it was discovered that Yvette Ikens had purchased the property on a Land Contract. The city had the structure boarded 7/9/04.

Owner Contact: There has been no owner contact.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$14,600

Estimated cost to repair: \$25,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 25, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1309 Sixth
3/23/04
(INTERIOR INSPECTION)

Inspection noted:

1. Provide GFI protection where required per 2003 MRC.
2. Wire electric dryer to code.
3. Remove extension cord to garage.
4. Rewire garage to 2003 MRC or remove old wiring.
5. Close open holes @ electrical panel.
6. Replace missing LB cover & weather head cover on electric service.
7. Provide two 20 amp kitchen counter circuits to match cabinet layout.
8. Replace waste & vent.
9. Replace plastic water line.
10. Replace tub/shower valve.
11. Clean duct and certify furnace.
12. Lag all jack posts – provide piers for support.
13. All interior and exterior handrails and guardrails must be repaired/replaced to meet 2003 MRC.
14. Scrape and paint all exterior windows, sills, and siding.
15. Repair/replace all damaged walls, floors, and ceilings.
16. Garage, threshold and trim need repair.
17. Replace all broken glass.
18. Tuck point blocks.
19. Clean roof of debris.

All work requires a building permit. This permit must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1309 6th St

FAX

BRIAN VANFAROWE
517 LIVINGSTON AVE., NE
GRAND RAPIDS, MI 49503
PHONE: (616) 459-7400
FAX: (616) 459-6478

Fax to number:

() 231-725-2043

Attention:

Anthony Kleiberken

Date:

01/24/2005

From:

Brian Van Farowe

Number of pages:
(Including Cover)

3

Additional Comments:

See below -

I am unable to attend the meeting
on Tuesday, Jan. 25, 2005. Please
read the following letter at the
meeting on my behalf.

If you have a question, please contact
me at 616-459-7400.

I am also sending this letter by
certified mail. Thank you.



City of Muskegon Division of Public Safety

Anthony L. Kleibecker
Director of Public Safety



January 18, 2005

Yvette Ikens
c/o Advanced Realty
517 Livingston Ave. NE
Grand Rapid, MI 49503

Mrs. Ikens,

The Muskegon City Commission will hold a hearing on January 25, 2005 to determine the status of your property which is located at 1309 Sixth Street, Muskegon, MI. The Commission will review the decision of the Muskegon Housing Code Board of Appeals who has determined your building to be sub-standard, a public nuisance and a dangerous building. Should the Commission concur with the Housing Code Board of Appeals then we would move to demolish your property.

We hope that you are making every effort to rehabilitate your property and comply with the housing code. The staff in our Inspections Office is ready to assist you in any way that we can. If you are sincere about rehabilitating your property, may I suggest that you contact us before your scheduled hearing before the Commission. Staff may be reached at (231) 724-6715. We look forward to working with you.

Sincerely,

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson Street
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: (231) 724-6955 1
Fax: (231) 725-2043

Advanced Realty Systems
Brian VanFarowe
517 Livingston Avenue, NE
Grand Rapids, MI 49503

January 24, 2005

City of Muskegon
Division of Public Safety
Attn: Anthony Kleibecker
980 Jefferson Street
Muskegon, MI 49443-0536

Dear Anthony:

I am writing in response to the notices I received concerning the property at 1309 Sixth Street and the hearing that will be held on Tuesday, January 25, 2005.

On May 27, 2004 I sold this property to Yvette Ikens on a land contract. Yvette has not made her payments, and I am in the process of getting this property back from her through a land contract forfeiture. Until I can get this property legally back from Yvette, I am unable to do any repairs on it.

I am asking that before you make any decisions concerning the demolition of this house, that you give me time to legally get the property back, and then give me some time to make the necessary repairs.

I am sorry for the late response to your notices, but I was out of town last week. Please let me know of your decision. You can phone me at 616-459-7400 or fax me at 616-459-6478. If you have any questions, please call me and leave a message.

Sincerely yours,



Brian VanFarowe

DATE: January 14, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040034 Address: 235 W. Forest

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **235 W. Forest** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN – 040034 – 235 W. Forest

Location and ownership: This structure is located on Forest St. between Fifth St and Sixth St. and is owned by Louis Pimpleton.

Staff Correspondence: A dangerous building inspection was conducted 03/12/04. No one was present to represent this case at the HBA meeting. It was found open and vandalized by officers in March.

Owner Contact: There has been no owner contact.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$18,500

Estimated cost to repair: \$10,000 Exterior Only

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 25, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

235 W. Forest

3/12/04

Inspection noted:

1. South side of basement wall requires repair.
2. Repair exterior entry to code.
3. Remove carpet on landing – trip hazard.
4. Scrape, paint home.
5. Repair roofing.
6. Replace broken windows.
7. Garage doors and siding are rotting or missing -replace.
8. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
9. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



235 W. Forest.

1/20/2005



235 W. Forest

Hoffman, Steensma & Plamondon, P.L.C.

Certified Public Accountants and Consultants

ROGER E. HOFFMAN, C.P.A.
ROGER D. STEENSMA, C.P.A.

DOUGLAS A. PLAMONDON, C.P.A.
RANDY J. NOVOTNY, C.P.A.

January 24, 2005

**Mr. Tim Paul
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49443**

*CITY
Commission*

Dear Tim:

We recently completed over 20 years in business and during that period we have been fortunate to have you and many others in the governmental and the not-for-profit sector as clients. We have always maintained an expertise in these fields and have delivered superior service and products to you.

However, due to the increasing demand for professional staff and growth in other sectors of our practice, we have reluctantly come to the decision to discontinue our governmental practice and substantially reduce our not-for-profit practice. This decision is effective immediately. However, we will provide monthly bookkeeping services to the City of Muskegon as you request.

We are concerned, very concerned about how our decision might affect you and your records. Therefore, to assist you in making a transition to another firm, we have made arrangements with the Certified Public Accounting firm of:

**BRICKLEY DELONG, PLC
500 TERRACE PLAZA
P.O. BOX 999
MUSKEGON, MICHIGAN 49443**

Brickley DeLong has agreed to provide services to your organization and should you choose to use their firm, we will assist them with the transition including providing them with applicable records and files. Also Brickley DeLong has agreed to employ Eric Van Dop and Kristi Dill, two of our staff who have significant related auditing experience.

Brickley DeLong's accounting practice includes a large governmental and not-for-profit client base that has serviced Western Michigan for the past 30 years. Our firms use many of the same resources and have serviced many similar clients. With the addition of our practice, they will service over 50 governmental units and 45 not-for-profit clients. The full service accounting firm has 6 partners, 5 managers and 20 professional staff to serve you.



MUSKEGON HERITAGE ASSOCIATION

Heritage Village • 561 W. Western Avenue • Muskegon, MI 49440 • (616) 722-1363

January 19, 2005

Honorable Mayor and City Commission members:

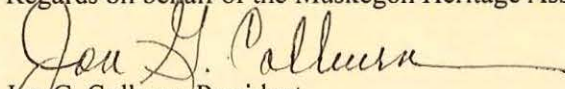
At the last regularly scheduled meeting of the Muskegon Heritage Association (MHA), it was brought to the Board's attention that the City was requesting bids to tear down the Muskegon Hotel. We understand that the condemnation process has been used successfully to "nudge" a remiss property owner into building rehabilitation, but we are deeply concerned about the City moving forward with demolition bids, especially in light of our understanding that the City has the ability to take back the property for lack of performance on the developer's part.

The Muskegon Hotel has been passed around several times in the last decade. Somewhere in the chain of previous owners was the MHA. The most recent transaction involving the building was between the City and the Westwood Development Group. This transaction took place after the City spent a significant amount of public funds to shore up the façade (on hopes the developer would save some shred of history). As we understand it, part of the agreement between the City and Westwood involved a reversion clause whereby the City could take back the property for lack of performance. While we have not actually seen the "reversion clause" the Association filed a Freedom of Information Request (1/19/05) to obtain information about this agreement.

Leaders of the MHA have had conversations with various realtors and parties interested in redeveloping the Muskegon Hotel site. However, it seems that the Westwood Development Group is asking an unrealistic price for the property (although the price includes building plans-- which may not suit the next user). This unnecessarily locks up a prime piece of property in Muskegon's downtown. What we cannot understand is why the City Commission would choose to tear down a façade that it has heretofore attempted to save, when it could merely take the property back and sell it to another developer who will perform. This seems especially illogical when public funds were used to shore up the façade in the first place and more public funds would be used to erase that effort. Either way the City is pitted against the existing property owner; to take the land back due to lack of performance, or collect on a demolition bill for an empty lot. We are hoping the Commission will take charge of this situation in a positive fashion.

The MHA has new leadership and commends our community's renewed interest in preservation and redevelopment. We ask that the Commission take action to retrieve the Muskegon Hotel from a developer that is not performing and get it into the hands of one that will. We will work with you in whatever way we can to make that happen! We do not want to see yet another hole blown in the West Western Avenue street scape

Regards on behalf of the Muskegon Heritage Association,


Jon G. Colburn, President



MUSKEGON HERITAGE ASSOCIATION

Heritage Village • 561 W. Western Avenue • Muskegon, MI 49440 • (616) 722-1363

January 19, 2005

To: Ms. Gail Kunding, Clerk

FR: Jon Colburn, President, Muskegon Heritage Association

RE: Request to speak at the January 25th City Commission meeting

Please allow a representative of the Muskegon Heritage Association to speak at the next regularly scheduled City Commission meeting on January 25, 2005. Please also see to it that a copy of the attached letter is provided to all City Commission members. I appreciate your assistance. If you have any questions I can be reached at 231-924-5553 (home); 231-519-2390 (cell).

Thank you.



PHONE 231-755-5434



1087 W. LAKETON AVENUE
MUSKEGON, MI 49441

“Serving West Michigan.....One Shuttle At A Time”

Owners: Stephanie L. Tilford, 6 Years Experience (Port City Cab)
William M. VanSlooten, Businessman
David J. Moore, Commercial Realtor

Drivers: Drug tested, background checked, uniformed
(t-shirts/hats), clean and neat.

Vehicles: Detailed every shift, scheduled preventative maintenance,
pre-trip checklist.

Service: Friendly and dependable drivers serving the Muskegon
and the surrounding areas.

Office: (231) 744-6269 Fax: (231) 744-6270



307 1/2 Center Street N. Muskegon, MI. 49445



PHONE 231-755-5434



1087 W. LAKETON AVENUE
MUSKEGON, MI 49441

POPULATION OF GREAT LAKES SHUTTLE SERVICING AREAS (CENSUS 2000)

- MUSKEGON.....40,105
- MUSKEGON HEIGHTS.....12,049
- NORTON SHORES.....23,084
- ROOSEVELT PARK.....3,890
- WHITEHALL.....2,884
- MONTAGUE.....2,407
- FRUITPORT.....1,124
- GRAND HAVEN.....11,168
- SPRING LAKE.....3,040
- NORTH MUSKEGON.....4,031
- FERRYSBURG.....3,042

TOTAL

106,824

URBANIZED AREA OUTLINE MAP (CENSUS 2000)
Muskegon, MI

[illegible]

the authors stated that the results of this study are preliminary and need to be confirmed by a larger study. The authors also stated that the results of this study are preliminary and need to be confirmed by a larger study.