

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 23, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Liquor License Transfer – 435-441 W. Western. CITY CLERK
 - C. Liquor License Transfer - 555 W. Western. CITY CLERK
 - D. Traffic Department Materials and Services 2007. PUBLIC WORKS
 - E. Budgeted Vehicle Replacement. PUBLIC WORKS
 - F. Acceptance of Lakefront Drive and Extension of Terrace Street into the City's Street System. ENGINEERING
 - G. Grant Applications for Transportation Economic Development Fund Category F and Congestion Mitigation Air Quality. ENGINEERING
 - H. Agreement for Engineering Services. ENGINEERING
 - I. Zoning Ordinance Amendment – Zoning Board of Appeals Newspaper Public Notice. PLANNING & ECONOMIC DEVELOPMENT
- ❑ PUBLIC HEARINGS:
 - A. Request to Establish an Obsolete Property District – Sen Peevo, LLC. PLANNING & ECONOMIC DEVELOPMENT
 - B. Request to Issue an Obsolete Property Certificate – Sen Peevo, LLC. PLANNING & ECONOMIC DEVELOPMENT

C. Spreading of the Special Assessment Roll for Lakeshore Drive, McCracken to 145' Northeastly of Vanderlinde Street. ENGINEERING

D. Spreading of the Special Assessment Roll for Montgomery Street, Laketon to Southern. ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

A. Special Assessment District for Knollwood Ct. ENGINEERING

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

1145 Aurora (garage)

1614 Elwood (garage) – Area 13

244 Monroe – Area 10

758 Orchard – Area 11

C. Special Event Request – Jaycee's Snowfest. LEISURE SERVICES

❑ 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 LINDA POTTER, ACTING CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: January 23, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the January 8th Commission Worksession, and the January 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 23, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 23, 2007.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2007-08 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the January 8th Commission Worksession, and the January 9th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Transfer – 435-441 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from D & L of Michigan, LLC, to transfer ownership of the 2006 Class C Licensed Business with Dance Permit located in escrow at 3621 Getty, Norton Shores, from North-Saylor, Inc.; transfer location to 435-441 W. Western; cancel existing Outdoor Service; request a New SDM License to be held in conjunction; and request a New Entertainment Permit and New Outdoor Service.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval, contingent upon final inspection.

C. Liquor License Transfer - 555 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Ingalls Business Acquisition, Inc., to transfer ownership of the 2006 Class C-SDM Licensed Business with Dance Permit and Outdoor Service located at 555 W. Western from James Adolph Dinger.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

D. Traffic Department Materials and Services 2007. PUBLIC WORKS

SUMMARY OF REQUEST: Annual contract with the Muskegon County Road Commission (MCRC) for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the past 17 years. By bidding together with MCRC and other municipalities, we are able to get better unit prices because of larger quantity purchases.

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

Sign blanks - \$1,200 est.

Sign posts - \$1,600 est.

Sign sheeting - \$2,000 est.

Ready Made Signs - \$5,000 est.

Centerline painting - \$15,000 est.

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

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

F. Acceptance of Lakefront Drive and Extension of Terrace Street into the City's Street System. ENGINEERING

SUMMARY OF REQUEST: Adopt the resolution, including exhibits A & B (drawing and descriptions respectively), accepting Lakefront Drive and the extension of Terrace Street between Shoreline Drive and Lakefront Drive into the City's street system. Furthermore, it is requested that the street name of Lakefront Drive be changed to Viridian Drive as has been used since the road opened to traffic.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the resolution.

G. Grant Applications for Transportation Economic Development Fund Category F and Congestion Mitigation Air Quality. ENGINEERING

SUMMARY OF REQUEST: Authorize staff, by adopting the resolutions, to submit the following:

1. A Transportation Economic Development Fund Category – F Grant application requesting funds for the milling and resurfacing of Quarterline from the City limits northerly to Marquette in 2008 and the reconstruction of Getty Street from Laketon to Evanston in 2009.
2. A 2007 CMAQ application for a signal installation at Marquette and Harvey/Broadmoor, traffic signals timing upgrades along the Laketon Avenue corridor (5-signals). And a similar application for signals upgrade along Sherman and various other locations in 2008. The signal upgrade will include LED lights.

FINANCIAL IMPACT: A local share of 20% will be required for all projects.

BUDGET ACTION REQUIRED: Amend the 2007 capital improvement budget to include the signal installation at Marquette & Harvey/Broadmoor for a \$75,000 cost and signals upgrade along Laketon for an estimated cost of \$250,000 for construction of which only the engineering cost will use City funds. The engineering cost is estimated at \$30,000 and would come out of both major and local street funds. The signal upgrade project will have a maximum of three years payback due to the energy saving.

STAFF RECOMMENDATION: Adopt the resolutions and authorize staff to submit the grant applications.

H. Agreement for Engineering Services. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Albert R. Posthuma, a retired professional engineer, to provide assistance to the Engineering Department in the analysis and design for the Clay Hill Area. This short-term contract, if approved, will provide the City with the best of both worlds, having an experienced local engineer without having to pay for the overhead of an engineering firm. Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the City.

FINANCIAL IMPACT: Approximately \$10,500 based on an estimated 140-hours of work.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Mr. Posthuma.

I. Zoning Ordinance Amendment – Zoning Board of Appeals Newspaper Public Notice. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding newspaper notice of Zoning Board of Appeals public hearings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their January 11th meeting. The vote was unanimous with T. Harryman, and J. Aslakson absent.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read minus item E.

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

Nays: None

MOTION PASSES

2007-09 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Budgeted Vehicle Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase six 2007 Crown Victoria's through the Macomb County Purchasing Contract since it was the lowest responsible bid received for a total bid of \$123,582.

FINANCIAL IMPACT: \$123,582

BUDGET ACTION REQUIRED: None, \$150,000 was budgeted for this purchase.

STAFF RECOMMENDATION: Authorize staff to purchase the vehicles using the Macomb County Purchasing Contract.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the vehicle replacement using the local preference and award to Tony Betten & Sons.

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

Nays: None

MOTION PASSES

2007-10 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – Sen Peevo, LLC.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Sen Peevo, LLC, PO Box 1681, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 902 Pine Street, Muskegon, MI, the former Pine Street Antique Mall. Total capital investment for this project is \$1.3 million. The project will result in the creation of several new jobs in the City.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 902 Pine Street, Muskegon, MI.

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

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:44 p.m. and approve the request to establish an Obsolete Property District for Sen Peevo, LLC.

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

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate – Sen Peevo, LLC.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Sen Peevo, LLC, PO Box 1681, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 902 Pine Street (former Pine Street Antique Mall), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for use as the Muskegon Brewing Company & Distilling Company, a restaurant/brew pub on the first floor of the building and residential on the second floor of the building. Total capital investment for this project is \$1.3 million. The project will result in bringing several new jobs to the City of Muskegon. Because of the amount of investment, the applicant is eligible for a 12-year certificate.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 902 Pine Street, Muskegon, MI for a term of 12 years.

The Public Hearing opened at 5:45 p.m. to hear and consider any comments from the public. Ed Simmons, 973 W. Forest, asked what an Obsolete Property Certificate is. City Manager Bryon Mazade explained.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to Close the Public Hearing at 5:47 p.m. and approve the request to issue an Obsolete Property Certificate to Sen Peevo, LLC.

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

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Lakeshore Drive, McCracken to 145' Northeasterly of Vanderlinde Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Lakeshore Drive from McCracken Street to 145' northeasterly of Vanderlinde Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$104,120.38 would be spread against the 66 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. No public comments were made. Mayor Warmington excused himself due to a conflict of interest.

Motion by Commissioner Carter, second by Commissioner Spataro to Close the Public Hearing at 5:50 p.m. and approve the spreading of the special assessment roll for Lakeshore Drive, McCracken to 145' northeasterly of Vanderlinde.

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

Nays: None

Abstain: Warmington

MOTION PASSES

D. Spreading of the Special Assessment Roll for Montgomery Street, Laketon to Southern. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Montgomery Street from Laketon Avenue to Southern Avenue and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$90,964.99 would be spread against the 50 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:51 to hear and consider any comments from the public. Hillary Joslin, 1337 Montgomery, asked about the cost.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing at 5:54 p.m. and spread the special assessment roll for Montgomery Street, Laketon to Southern.

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

Nays: None

MOTION PASSES

2007-11 CITY MANAGER'S REPORT:

City Manager Bryon Mazade introduced Dwana Thompson, the new Affirmative Action/Risk Manager Director.

2007-12 NEW BUSINESS:

A. Special Assessment District for Knollwood Ct. ENGINEERING

SUMMARY OF REQUEST: Assign two City Commissioners to evaluate the creation of a benefit based special assessment district on Knollwood Ct. from Beach Street to the southerly end rather than a frontage one.

Due to the unusual circumstances prompted by the lots configuration along Knollwood, the County's Equalization Office feels that the benefits gained by the abutting lots is equal among all 13 parcels and therefore should not be frontage based as called for in the special assessment policy. A benefit based assessment district, if approved, will result in an assessment amount exceeding that of a frontage based one against some of the 13 lots within the proposed district.

The two assigned Commissioners would form a board along with the City's Assessor as called for in Chapter XIII, Sec. 7 of the City's Charter.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Appoint two City Commissioners to the board.

Motion by Commissioner Carter, second by Commissioner Davis to approve the appointment of two City Commissioners to the board.

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

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Davis and Commissioner Wierengo to the board

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

1145 Aurora (garage)

1614 Elwood (garage) – Area 13

244 Monroe – Area 10

758 Orchard – Area 11

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the above structures are unsafe, substandard, public nuisances and that they be demolished within 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.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 1614 Elwood (garage only) and 244 Monroe.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the Housing Board of Appeals notice and order to demolish 1145 Aurora (garage only).

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

Nays: Wierengo and Davis

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 758 Orchard.

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

Nays: None

MOTION PASSES

C. Special Event Request – Jaycee’s Snowfest. LEISURE SERVICES

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Special Event Request for Jaycee’s Snowfest.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:35 p.m.

Respectfully submitted,



Ann Marie Becker, MMC
City Clerk

Date: January 23, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Transfer
435-441 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from D & L of Michigan, LLC to transfer ownership of the 2006 Class C Licensed Business with Dance Permit located in escrow at 3621 Getty, Norton Shores, from North-Saylor, Inc.; transfer location to 435-441 W. Western; cancel existing Outdoor Service; request a New SDM License to be held in conjunction; and request a New Entertainment Permit and New Outdoor Service.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval, contingent upon final inspection.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

January 17, 2007

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 435-441 W. Western Ave.
Transfer of 2006 Class-C Licensed Business

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant D&L of Michigan, LLC. that is represented by Lacy G. Jones of 245 Eastern Ave. SE, Grand Rapids, MI. 49503.

D&L of Michigan, LLC is requesting to transfer ownership of 2006 Class C licensed business with Dance Permit, located in escrow at 3621 Getty, Norton Shores, MI. 49444 from North-Saylor, Inc.; Transfer location to 435-441 W. Western, Muskegon, MI. 49440; cancel existing Outdoor Service (1 Area); requests a New SDM License to be held in conjunction; and request a New Entertainment Permit and New Outdoor Service (1 Area).

Mr. Lacy Jones is currently employed by the State of Michigan Corrections Department. He has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/kd

RECEIVED

JAN 17 2007

MUSKEGON POLICE DEPT.
CHIEF of POLICE

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 01-17-07

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant D&L of Michigan, LLC. D&L of Michigan, LLC is represented by Lacy G. Jones of 245 Eastern Ave. SE, Grand Rapids, MI. 49503.

D&L of Michigan, LLC is requesting to transfer ownership of 2006 Class C licensed business with Dance Permit, located in escrow at 3621 Getty, Norton Shores, MI. 49444 from North-Saylor, Inc.; Transfer location to 435-441 W. Western, Muskegon, MI. 49440; cancel existing Outdoor Service (1 Area); requests a New SDM License to be held in conjunction; and request a New Entertainment Permit and New Outdoor Service (1 Area).

Mr. Lacy Jones is currently employed by the State of Michigan Corrections Department. He has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/D&L (Jones)



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

FOR MLCC USE ONLY

Request ID # 380192

Business ID # 183774

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

12-15-06 TMT

November 15, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: D & L OF MICHIGAN, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:

LACY G. JONES, 245 EASTERN, SE, GRAND RAPIDS, MI 49503-4734
H(616)308-9676/B(231)773-9200

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**



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

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

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by R 436.1105 (2d) and (3)]

November 15, 2006

MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #:380192

The Michigan Liquor Control Commission has received an application from D & L OF MICHIGAN, LLC FOR A NEW SDM LICENSE TO BE HELD IN CONJUNCTION WITH PENDING REQUEST TO TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 3621 GETTY, NORTON SHORES, MI 49444, PO: MUSKEGON, MUSKEGON COUNTY, FROM NORTH-SAYLOR, INC.; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 441 +435 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY.

Home address and telephone number:

LACY G. JONES, 245 EASTERN, SE, GRAND RAPIDS, MI 49503-4734
H(616)308-9676/B(231)773-9200

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Code, Rules and Related Laws for off-premise licenses, the local governing body, or its designee, may notify the Commission at the above address within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the applicable laws and ordinances. A copy of the law and/or ordinance may be submitted with the notification.

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

sfs

LC-3104 (Rev. 09/05)
Authority: R436.1105(2d) and (3)
Completion: Mandatory
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

2007-08(b)

07
12-28-06 T111**RESOLUTION**

At a Regular meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on January 23, 2007 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Shepherd

That the request to TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 3621 GETTY, NORTON SHORES, MI 49444, PO: MUSKEGON, MUSKEGON COUNTY, FROM NORTH-SAYLOR, INC. TO D & L OF MICHIGAN, LLC; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY; AND REQUEST A NEW ENTERTAINMENT PERMIT. ADDRESS IS 435 + 441 W. WESTERN.

be considered for Approval contingent upon final inspection.
(Approval or Disapproval)

APPROVAL**DISAPPROVAL**Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of Muskegon _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on January 23, 2007.
(Date)

SEAL

(Signed) Linda Potter
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)



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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 380192

Business ID # 183774

12-7-06 THH

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

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

D & L OF MICHIGAN, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 3621 GETTY, NORTON SHORES, MI 49444, PO: MUSKEGON, MUSKEGON COUNTY, FROM NORTH-SAYLOR, INC.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY; CANCEL EXISTING OUTDOOR SERVICE (1 AREA); REQUESTS A NEW SDM LICENSE TO BE HELD IN CONJUNCTION; AND REQUESTS A NEW ENTERTAINMENT PERMIT AND NEW OUTDOOR SERVICE (1 AREA). ADDRESS IS 435 + 441 W. WESTERN.

Section 1. APPLICANT INFORMATION

APPLICANT #1:

LACY G. JONES – MEMBER
245 EASTERN, SE
GRAND RAPIDS, MI 49503-4734
H(616)308-9676/B(231)773-9200

APPLICANT #2:

DATE FINGERPRINTED: 1-4-07

DATE FINGERPRINTED:

DATE OF BIRTH: 7-3-72

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

DATE OF BIRTH:

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

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

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

*Does the applicant have a Visa? Enter status:

*Does the applicant have a Visa? Enter status:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

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

☐ No ☒ Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No
3. Should the Commission grant this request? ☒ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

[Signature]
Signature (Sheriff or Chief of Police)

1-17-07
Date

MUSKEGON POLICE DEPARTMENT

380192
12-7-06
TSH



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

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

November 15, 2006

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

Request ID #: 380192

Applicant:

D & L OF MICHIGAN, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 3621 GETTY, NORTON SHORES, MI 49444, PO: MUSKEGON, MUSKEGON COUNTY, FROM NORTH-SAYLOR, INC.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY; CANCEL EXISTING OUTDOOR SERVICE (1 AREA); REQUESTS A NEW SDM LICENSE TO BE HELD IN CONJUNCTION; AND REQUESTS A NEW ENTERTAINMENT PERMIT AND NEW OUTDOOR SERVICE (1 AREA). ADDRESS IS 435-441 W. WESTERN.

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

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

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

sfs



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

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 380192

Business ID # 183774

12-7-06 JMM

November 15, 2006

TO:

Re: D & L OF MICHIGAN, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M.
Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M.
Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ENTERTAINMENT PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

LIQUOR LICENSE REVIEW FORM

Business Name: D + L of Michigan, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Lacy G. Jones

Business Address: 441 + 435 W. Western
Muskegon, MI

Reason for Review:

New License ☒ *and* Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature *X J. L. Kleber*

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

LIQUOR LICENSE REVIEW FORM

Business Name: D & L of Michigan, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Lacy G. Jones

Business Address: 441 & 435 W. Western
Muskegon, MI

Reason for Review:

New License ☒ *and* Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature 

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

LIQUOR LICENSE REVIEW FORM

☐ FAXED ☐ RECEIVED ☐

DEC 14 2006

Business Name:

D + L of Michigan, LLC

☐ APPROVED ☐ POSTED
CITY OF MUSKEGON TREASURY

AKA Business Name (if applicable):

Operator/Manager's Name:

Lacy G. Jones

Business Address:

441 + 435 W. Western

Reason for Review:

New License ☒

and

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other

Deadline for receipt of all information:

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount:

Treasurer

Approved ☐

Owing ☒

Amount:

*SEE ATTACHED
ITEMS
paid*

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount:

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Dec 12/15/06

Please return to the City Clerk's Office

Gail A. Kunderger,

Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: D + L of Michigan, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Lacy G. Jones

Business Address: 441 + 435 W. Western
Muskegon, MI

Reason for Review:

New License ☒ *and* Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

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

LIQUOR LICENSE REVIEW FORM

Business Name: D & L of Michigan, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Lacy G. Jones

Business Address: 441 + 435 W. Western
Muskegon, MI

Reason for Review:

New License ☒ *and* Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

*approval based on the fact that
all Inspectors (rough in and finals) shall be
scheduled and approval by Inspectors reviewing
Contractors Work at 441 W. Western*

Department Signature Mary Metcal

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

DO NOT ACCEPT THIS CHECK without confirming presence of Artificial Watermark on back. Other security features are listed on back.



WEST MICHIGAN CREDIT UNION
1319 Front St NW
Grand Rapids, MI 49504
(616) 451-4567

WEST MICHIGAN CORPORATE CKS

74-4810/2724

71263

VOID AFTER 90 DAYS
01/04/07

\$*****250.00

Memo: LACY G. JONES

PAY TWO HUNDRED FIFTY & 00/100*****

TO THE
ORDER OF

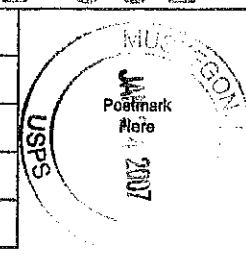
CITY OF MUSKEGON


Authorized Signature

⑈000071263⑈ ⑆272481004⑆10009997500807⑈

WEST MICHIGAN CREDIT UNION
OUR MICHIGAN
THANK YOU
FOR YOUR
BUSINESS
LIMIT 250.00
01/04/07
250.00
01/04/07
LINDA

7006 0100 0004 8340 7107

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	
Sent To <i>Liquor Control</i> Street, Apt. No.; or PO Box No. City, State, ZIP+4	
PS Form 3800, June 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number
 (Transfer from _____)

7006 0100 0004 8340 7107

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

MAIL & DELIVERY SERVICES AGENT FOR STATE OF MICHIGAN

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

JAN 25 2007

POST OFFICE BOX 30026
 LANSING, MICHIGAN 48909

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



7006 0100 0004
8340 7107

January 24, 2007

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

REF: Req ID #380192
D & L of Michigan, LLC
435 & 441 W. Western
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, Form LC-1800, Form LC-1636, print card and check for D & L of Michigan, LLC. This was recommended for approval contingent upon final inspection by the City Commission at their January 23, 2007, City Commission Meeting.

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

Sincerely,

Linda Potter
Acting Clerk

enc.

January 18, 2007

Commissioner Spataro, President
Nelson Neighborhood Assoc.
1567 Sixth
Muskegon, MI 49441

Dear Larry:

We have received letters from the Liquor Control Commission reference two liquor license transfer requests. As you will see in your agenda packet, they are for 555 W. Western (transfer of ownership), and 435-441 W. Western (transfer from Norton Shores). On Tuesday, January 23, 2007, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

January 18, 2006

Mr. Lacy G. Jones
245 Eastern, SE
Grand Rapids, MI 49503-4734

Dear Mr. Jones:

This letter is to inform you that your liquor license request for 435 and 441 W. Western Avenue will be presented to the City Commission on January 23, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Deputy Clerk

cc: Attorney James Stariha

Date: January 23, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Transfer
555 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Ingalls Business Acquisition, Inc. to transfer ownership of the 2006 Class C-SDM Licensed Business with Dance Permit and Outdoor Service located at 555 W. Western from James Adolph Dinger.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

mailed
1-8 07 AM

Request ID # 380200

2007-08(c)
RESOLUTION

At a Regular meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on January 23, 2007 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Shepherd

That the request to TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 555 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM JAMES ADOLPH DINGER TO INGALLS BUSINESS ACQUISITION, INC.

be considered for Approval
(Approval or Disapproval)

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of Muskegon _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the City Commission at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on January 23, 2007
(Date)

SEAL

(Signed) Linda Potter
(Township, City or Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

January 17, 2007

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 555 W. Western Ave.
Transfer of 2006 Class C- SDM Licensed Business

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant William L. Ingalls who represents Ingalls Business Acquisition, Inc. of Muskegon, MI. Mr. Ingalls resides at 3736 South Baker Street, Muskegon, MI. 49444.

Ingalls Business Acquisition, Inc. is requesting to transfer ownership of 2006 Class C-SDM licensed business with Dance Permit and Outdoor Service (1 Area), located at 555 W. Western, Muskegon, MI. 49440 from James Adolph Dinger, the current owner.

Mr. Ingalls has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/kd

RECEIVED

JAN 17 2007

MUSKEGON POLICE DEPT.
CHIEF of POLICE

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 01-17-07

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant William L. Ingalls who represents Ingalls Business Acquisition, Inc. of Muskegon, MI. Mr. Ingalls resides at 3736 South Baker Street, Muskegon, MI. 49444.

Mr. Ingalls is requesting to transfer ownership of 2006 Class C-SDM licensed business with Dance Permit and Outdoor Service (1 Area), located at 555 W. Western, Muskegon, MI. 49440 from James Adolph Dinger, the current owner.

Mr. Ingalls has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal line extending to the right.

Det. Kurt Dykman

data/detective/dykman/word/liquor/Ingalls



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

mailed 1-8-07 AM

FOR MLCC USE ONLY

Request ID # 380200

Business ID # 183775

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

November 14, 2006

TO: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: INGALLS BUSINESS ACQUISITION, INC.

Home Address and Telephone No. or Contact Address and Telephone No.:

WILLIAM L. INGALLS, II, 3736 SOUTH BAKER STREET, MUSKEGON, MI 49444
H(231)830-0733/B(231)722-2401

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

121 1-5-07
AB



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

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

November 14, 2006

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

Request ID #: 380200

Applicant:

INGALLS BUSINESS ACQUISITION, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT AND OUTDOOR SERVICE (1 AREA), LOCATED AT 555 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM JAMES ADOLPH DINGER.

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

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

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

sfs



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

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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 380200

Business ID # 183775

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

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

INGALLS BUSINESS ACQUISITION, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT AND OUTDOOR SERVICE (1 AREA), LOCATED AT 555 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM JAMES ADOLPH DINGER.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
WILLIAM L. INGALLS, II - STOCKHOLDER
3736 SOUTH BAKER STREET
MUSKEGON, MI 49444
H(231)830-0733/B(231)722-2401

APPLICANT #2:

DATE FINGERPRINTED: 1-17-07

DATE FINGERPRINTED:

DATE OF BIRTH: 10-31-64

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

DATE OF BIRTH:

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

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

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

*Does the applicant have a Visa? Enter status:

*Does the applicant have a Visa? Enter status:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

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

☐ No ☒ Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

X J. L. Blalock
Signature (Sheriff or Chief of Police)

1-17-07
Date

MUSKEGON POLICE DEPARTMENT

Y21 1-5-07 AM



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

FOR MLCC USE ONLY

Request ID # 380200

Business ID # 183775

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

November 14, 2006

TO:

Re: INGALLS BUSINESS ACQUISITION, INC.

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M. _____

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M. _____

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Law Enforcement Recommendation (cont'd)

Page 2

November 14, 2006

☒ OUTDOOR SERVICE

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

X 

Signature and Title

ANTHONY L. KIEBERT

Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: 1-17-07

LIQUOR LICENSE REVIEW FORM

Business Name: Ingalls Business Acquisition, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: William L. Ingalls, II

Business Address: 555 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature J. L. Schuler

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

LIQUOR LICENSE REVIEW FORM

Business Name: Ingalls Business Acquisition, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: William L. Ingalls, II

Business Address: 555 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Therrell

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

LIQUOR LICENSE REVIEW FORM

RECEIVED
JAN 16 2007
CITY OF MUSKEGON
PLANNING DEPARTMENT

Business Name: Ingalls Business Acquisition, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: William L. Ingalls, II

Business Address: 555 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature M. L. Cap

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

LIQUOR LICENSE REVIEW FORM

Business Name: Ingalls Business Acquisition, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: William L. Ingalls, II

Business Address: 555 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Mike's Inn is up-to-date
in Business Registration

Department Signature Irene Dempsey

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

LIQUOR LICENSE REVIEW FORM

Business Name: Ingalls Business Acquisition, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: William L. Ingalls, II

Business Address: 555 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

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

LIQUOR LICENSE REVIEW FORM

Business Name: Ingalls Business Acquisition, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: William L. Ingalls, II

Business Address: 555 W. Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

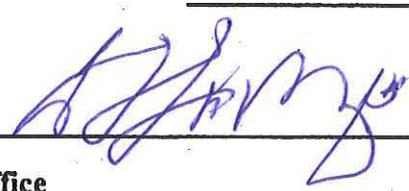
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature 

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

WE SORRY
YOUR RECEIPT
THANK YOU
CALL AGAIN
L1 QUR 250.00
T TEND I
CHECK
250.00
01947AND1-24-2007
6781 LINDA

WILLIAM L. INGALLS II 3736 S. BAKER ST. MUSKEGON, MI 49444		Date <u>11/17/07</u>	2669 74-8307/2724 0
Pay to the Order of	<u>CITY OF MUSKEGON</u>	<u>\$250⁰⁰</u>	
	<u>TWO HUNDRED FIFTY</u>	Dollars	 Security features are included. Details on back.
 LAKESHORE FEDERAL CREDIT UNION MUSKEGON, MI 49441			
For	<u>Bill Ingalls</u>		MP
⑆ 27 248 3073 ⑆ 10000045250206 ⑆ 2669			

INTOUCH CUSTOM CREATIONS

January 18, 2006

Mr. William L. Ingalls
3736 South Baker Street
Muskegon, MI 49444

Dear Mr. Ingalls:

This letter is to inform you that your liquor license request for 555 W. Western Avenue will be presented to the City Commission on January 23, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Deputy Clerk

January 18, 2007

Commissioner Spataro, President
Nelson Neighborhood Assoc.
1567 Sixth
Muskegon, MI 49441

Dear Larry:

We have received letters from the Liquor Control Commission reference two liquor license transfer requests. As you will see in your agenda packet, they are for 555 W. Western (transfer of ownership), and 435-441 W. Western (transfer from Norton Shores). On Tuesday, January 23, 2007, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



7006 0100 0004 8340
7107

January 24, 2007

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

REF: Req ID #380200
Ingalls Business Acquisition, Inc.
555 W. Western
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, Form LC-1800, Form LC-1636, print card and check for Ingalls Business Acquisition, Inc. This was recommended for approval by the City Commission at their January 23, 2007, City Commission Meeting.

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

Sincerely,

Linda Potter
Acting Clerk

enc.

Agenda Item No. _____
City Commission Meeting _____

Date: January 12, 2007
To: Honorable Mayor and City Commission
From: Department of Public Works
Re: Traffic Department materials and services 2007

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

Sign materials and services to be jointly bid:

Sign blanks	\$1,200.00	est.
Sign posts	\$1,600.00	est..
Sign sheeting	\$2,000.00	est.
Ready Made Signs	\$5,000.00	est.
Centerline painting.....	\$15,000.00	est.

Total \$24,800 (\$21,700 in 2006)

BUDGET ACTION REQUIRED:

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

STAFF RECOMMENDATION:

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

Memo

To: Bob Kuhn
From: Dan Gomez
Cc: Doug Sayles
Date: 01-12-07
Re: Sign Materials & Services: Annual Contract

Again this year we are requesting permission to bid jointly for our sign materials and services with the Muskegon County Road Commission as we have done the last seventeen years. They are getting ready to go out for bids on the following items and thus we do not have any actual quotes for 2007.

For sign blanks:

	2003	2004	2005	2006
sign blanks	\$1.34/sq. ft.	\$1.56/sq. ft.	\$1.85/sq. ft.	\$2.20/sq.ft.

For sign posts:

	2003	2004	2005	2006
2# x11'posts	\$6.08/ea.	\$9.24/ea.	\$10.10/ea.	\$10.42/ea.
3# x12'posts	\$9.96/ea.	\$15.12/ea.	\$16.53/ea.	\$17.05/ea.

For sheeting: Our standard has always been 3M sheeting, they are the only bid usually received by MCRC, they like us, use 3M sheeting exclusively, however we recently purchased our 3M roller, as did MCRC, and no longer have to buy a minimum order to keep the roller they originally gave to us to maintain the warranty on their sheeting. Other competitive sources are also bid out.

Finished Signs: Most finished signs were purchased through competitive vendors, but MCRC is starting to purchase these signs in the bid system for a considerable savings. We have purchased some signs this way the last three years and will continue to do so when purchasing in quantities.

Centerline painting: In 1997 M&M Pavement Marking, Inc. was awarded the bid and the contract was extended every year at the same unit prices until 2004 when a 6% increase incurred to cover rising fuel and material costs. The cost increased again in 2006 as much as 27%. MCRC went out for bids and as anticipated there were substantial increases in the three bids received but everyone remained with M&M as they were the low bidder. Some years were also affected by our own engineering projects where centerline painting is contracted to a different painter when the road project is finished. The group purchasing approach has continued to result in significant cost savings.

2003	2004	2005	2006
\$10,737 (M&M)	\$10,006 (M&M)	\$11,666 (M&M)	\$14,719 (M&M)

Date: January 23, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Acceptance of Lakefront Dr. & Extension of Terrace streets into the City's Street System

SUMMARY OF REQUEST:

Adopt the attached resolution, including exhibits A & B (drawing & descriptions respectively), accepting Lakefront Dr. and the extension of Terrace Street between Shoreline Dr. & Lakefront Dr. into the City's street system. Furthermore, it is requested that the street name of Lakefront Dr. be changed to Viridian Dr. as has been used since the road opened to traffic.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION NO. 2007-08 (f)

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on January 23, 2007

RECITALS

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. The City of Muskegon owns fee simple title (warranty deed) to that certain streets known as **Viridian Dr. and Terrace Street Extension (section connecting Shoreline Dr. to Viridian Dr.)**.
2. It is necessary to furnish certain information to the State of Michigan to place this street within the City's Local Street System for the purpose of obtaining funds under Act 51, P.a. 1951, as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the legal description of said street is described as:

See attached Exhibits A & B

2. That said streets are located within a City's right-of-way, are on City Property, and are under the control of the City of Muskegon.
3. That said streets are public streets and are for public street purposes.

4. That said streets are accepted into the City Local Street System.

Resolution duly adopted.

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

NAYS None

CITY OF MUSKEGON

By Linda S. Potter
Linda S. Potter, Acting City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

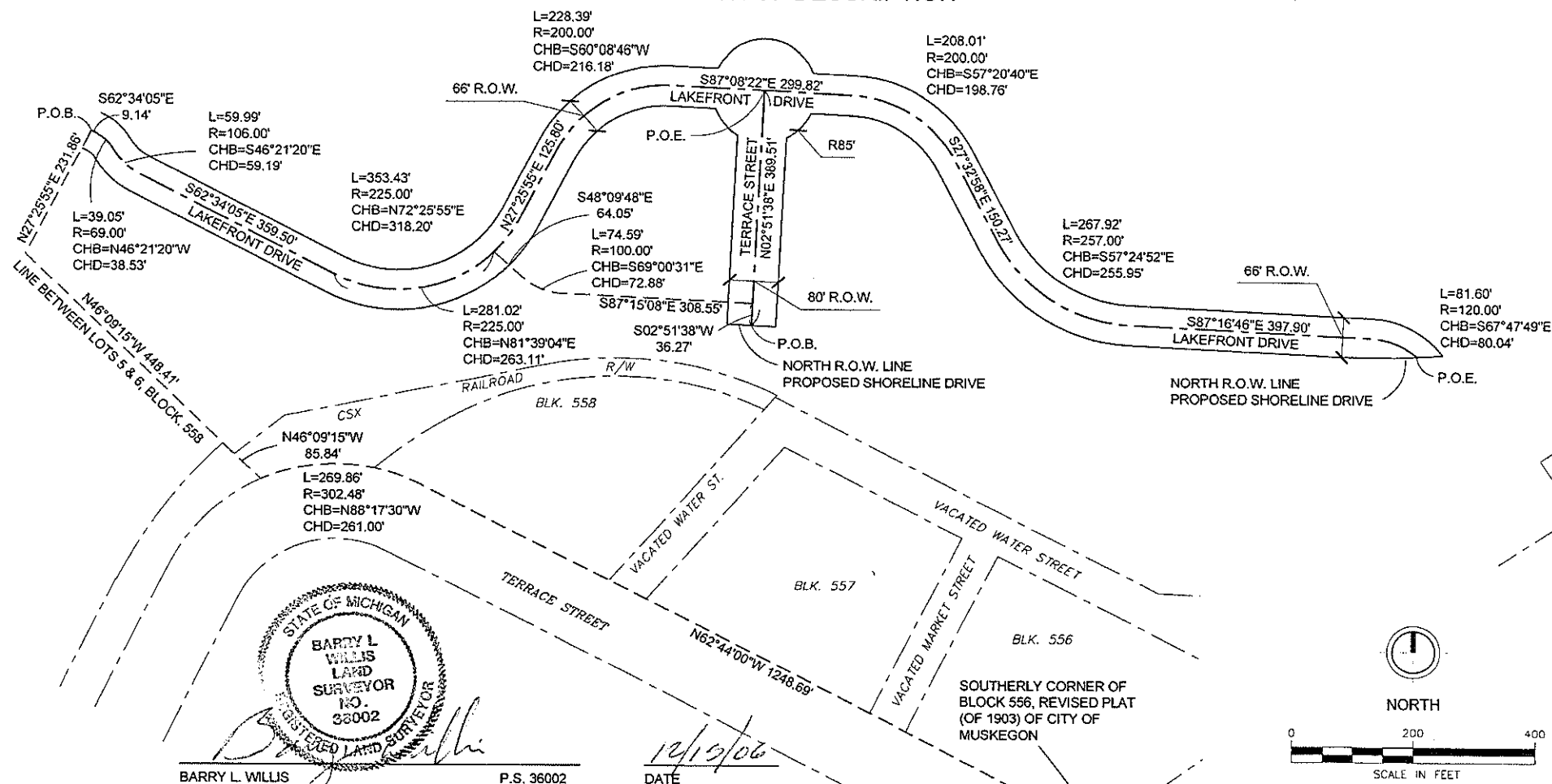
I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Board of Commissioners of the City of Muskegon, Michigan, held on the 23rd day of January, 2007, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

Linda S. Potter
Linda S. Potter, Acting City Clerk

Exh. A

Not to scale

SKETCH OF DESCRIPTION



FLEIS & VANDENBRINK
ENGINEERING, INC.

2960 Lucerne Drive SE, Grand Rapids, MI 49546
Phone: (616) 977-1000 Fax: (616) 977-1005

Revised:

CITY OF MUSKEGON
LAKEFRONT DRIVE & TERRACE STREET

SKETCH OF DESCRIPTION

Dec., 12, 2006

3851

Exh. B

DESCRIPTION

2 OF 2

LEGAL DESCRIPTION FOR 66-FOOT WIDE ROADWAY (LAKEFRONT DRIVE):

Part of Blocks 554 and 558 of the Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, described as follows: COMMENCING at the most Southerly corner of Block 556 of said plat; thence N 62°44'00" W, 1248.69 feet along the Northerly line of Terrace Street extended; thence Westerly, 269.86 feet along said Northerly line on a 302.48 foot radius curve to the left, the long chord of which bears N 88°17'30" W, 261.00 feet; thence N 46°09'15" W 85.84 feet along the line between Lots 5 and 6 of said Block 558 to a point being on the Northerly line of that parcel of land taken by the City of Muskegon for the construction of Shoreline Drive, a pedestrian walkway and the relocation of the railroad right of way, (said Northerly line being described in Schedule A attached to City of Muskegon Resolution No. 98-87(f) and adopted by the City Commission on July 28, 1998); thence continuing along said line between Lots 5 and 6 of said Block 558, N 46°09'15" W 448.41 feet; thence N 27°25'55" E 231.86 feet to the POINT OF BEGINNING of the centerline of a 66 foot wide roadway: thence S 62°34'05" E, 9.14 feet; thence Southeasterly, 39.05 feet on a 69.00 foot radius curve to the right, the long chord of which bears S 46°21'20" E, 38.53 feet; thence continuing Southeasterly, 59.99 feet on a 106.00 foot radius curve to the left, the long chord of which bears S 46°21'20" E, 59.19 feet; thence S 62°34'05" E, 359.50 feet; thence Northeasterly, 353.43 feet on a 225.00 foot radius curve to the left, the long chord of which bears N 72°25'55" E, 318.20 feet; thence N 27°25'55" E, 125.80 feet; thence Northeasterly, 228.39 feet on a 200 foot radius curve to the right, the long chord of which bears N 60°08'46" E, 216.18 feet; thence S 87°08'22" E, 299.82 feet; thence Southeasterly, 208.01 feet on a 200.00 foot radius curve to the right, the long chord of which bears S 57°20'40" E, 198.76 feet; thence S 27°32'58" E, 150.27 feet; thence Southeasterly, 267.92 feet on a 257.00 foot radius curve to the left, the long chord of which bears S 57°24'52" E, 255.95 feet; thence S 87°16'46" E, 397.90 feet; thence Southeasterly, 81.60 feet on a 120.00 foot radius curve to the right, the long chord of which bears S 67°47'49" E, 80.04 feet to the North right of way of proposed Shoreline Drive and the POINT OF ENDING of this 66 foot wide roadway description. Together with and subject to easements of record.

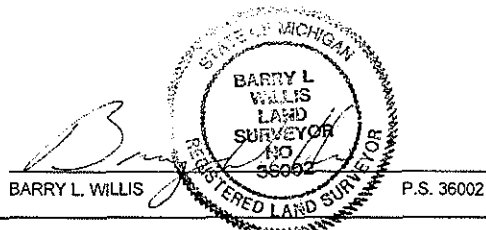
LEGAL DESCRIPTION FOR 80-FOOT WIDE ROADWAY AND 85-FOOT RADIUS CUL-DE-SAC RIGHT-OF-WAY(TERRACE STREET):

Part of Blocks 554 and 558 of the Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, described as follows: COMMENCING at the most Southerly corner of Block 556 of said plat; thence N 62°44'00" W, 1248.69 feet along the Northerly line of Terrace Street extended; thence Westerly, 269.86 feet along said Northerly line on a 302.48 foot radius curve to the left, the long chord of which bears N 88°17'30" W, 261.00 feet; thence N 46°09'15" W 85.84 feet along the line between Lots 5 and 6 of said Block 558 to a point being on the Northerly line of that parcel of land taken by the City of Muskegon for the construction of Shoreline Drive, a pedestrian walkway and the relocation of the railroad right of way, (said Northerly line being described in Schedule A attached to City of Muskegon Resolution No. 98-87(f) and adopted by the City Commission on July 28, 1998); thence continuing along said line between Lots 5 and 6 of said Block 558, N 46°09'15" W 448.41 feet; thence N 27°25'55" E 231.86: thence S 62°34'05" E, 9.14 feet; thence Southeasterly, 39.05 feet on a 69.00 foot radius curve to the right, the long chord of which bears S 46°21'20" E, 38.53 feet; thence continuing Southeasterly, 59.99 feet on a 106.00 foot radius curve to the left, the long chord of which bears S 46°21'20" E, 59.19 feet; thence S 62°34'05" E, 359.50 feet; thence Northeasterly, 281.02 feet on a 225.00 foot radius curve to the left, the long chord of which bears N 81°39'04" E, 263.11 feet; thence S 48°09'48" E, 64.05 feet; thence Southeasterly, 74.60 feet along a 100.00 foot radius curve to the left, the long chord of which bears S 69°00'31" E, 72.88 feet; thence S 87°15'08" E, 308.55 feet; thence S 02°51'38" W, 36.27 feet to the North right of way line of proposed Shoreline Drive and the POINT OF BEGINNING of the centerline of an 80 foot wide right-of-way; thence N 02°51'38" E, 389.51 feet along said centerline to the centerline of Lakefront Drive, the center of a 85.00 foot radius cul-de-sac right-of-way and the POINT OF ENDING of this roadway centerline description. Together with and subject to easements of record.



FLEIS & VANDENBRINK
ENGINEERING, INC.

2960 Lucerne Drive SE, Grand Rapids, MI 49546
 Phone: (616) 977-1000 Fax: (616) 977-1005



12/15/06
 DATE

Revised:

CITY OF MUSKEGON
 LAKEFRONT DRIVE & TERRACE STREET

DESCRIPTION

Dec., 12, 2006

J3851

Date: January 23, 2007
To: Honorable Mayor and City Commission
From: Engineering
RE: Grant Applications for Transportation Economic Development Fund
Category F (TEDF-F) & Congestion Mitigation Air Quality (CMAQ)

SUMMARY OF REQUEST:

Authorize staff, by adopting the attached resolutions, to submit the following:

- 1- A Transportation Economic Development Fund Category - F Grant application requesting funds for the milling & resurfacing of Quarterline from the City limits northerly to Marquette in 2008 & the reconstruction of Getty Street from Laketon to Evanston in 2009.
- 2- A 2007 CMAQ application for a signal installation at Marquette & Harvey/Broadmoor, traffic signals timing upgrades along the Laketon Ave. corridor (5-signals). And a similar application for signals upgrade along Sherman and various other locations in 2008. The signal upgrade will include LED lights.

FINANCIAL IMPACT:

A local share of 20% will be required for all projects.

BUDGET ACTION REQUIRED:

Amend the 2007 capital improvement budget to include the signal installation at Marquette & Harvey/Broadmoor for a \$75,000 cost and signals upgrade along Laketon for an estimated cost of \$250,000 for construction of which only the engineering cost will use city funds. The engineering cost is estimated at \$30,000 and would come out of both, major & local street funds. The signal upgrade project will have a maximum of three years payback due to the energy saving.

STAFF RECOMMENDATION:

Adopt the attached resolutions and authorize staff to submit the grant applications.

COMMITTEE RECOMMENDATION:

Resolution No. 2007-08(g¹)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING APPLICATION TO THE STATE OF MICHIGAN
TRANSPORTATION AND ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, the Michigan Department of Transportation has made available grant funding for the roadway project deemed necessary to advance economic development projects; and

WHEREAS, the City of Muskegon desires to continue the improvements of its major street system; and

WHEREAS, preliminary cost estimates associated with each project have been identified,

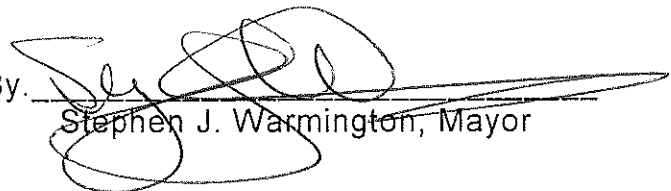
NOW, THEREFORE, BE IT RESOLVED, that Staff is authorized to submit application to the Michigan Department of Transportation - Transportation and Economic Development Corporation in various amounts to be matched with local resources.

Resolved this 23rd day of January, 2007

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

Nays: None

Abstentions: None

By. 

Stephen J. Warmington, Mayor

2007-08(g¹)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on January 23, 2007. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, Acting City Clerk

Resolution No. 2007-08(g²)

MUSKEGON CITY COMMISSION
CMAQ PROJECTS FOR 07, 08 & 09

RESOLUTION APPROVING APPLICATION TO THE STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION

WHEREAS, the Michigan Department of Transportation has made available grant funding for the roadway project deemed necessary to advance Congestions Mitigation Air Quality projects; and

WHEREAS, the City of Muskegon desires to continue the improvements of its major street system; and

WHEREAS, preliminary cost estimates associated with each project have been identified,

NOW, THEREFORE, BE IT RESOLVED, that Staff is authorized to submit application to the Michigan Department of Transportation in various amounts to be matched with local resources.

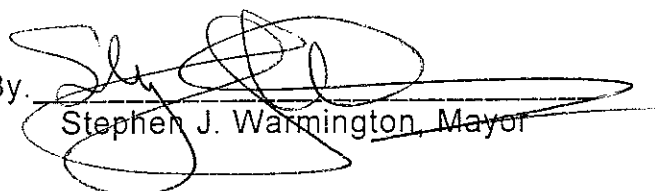
Resolved this 23rd day of January, 2007

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

Nays: None

Abstentions: None

By.


Stephen J. Warmington, Mayor

2007-08(g²)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on January 23, 2007. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, Acting City Clerk

Date: January 23, 2007

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Agreement for Engineering Services

SUMMARY OF REQUEST:

Authorize staff to enter into an engineering services agreement, copy of which is attached, with ALBERT R. POSTHUMA a retired professional engineer to provide assistant to the engineering department in the analysis and design for the Clay Hill Area. This short term contract, if approved, will provide the city with the best of both worlds, having an experienced local engineer without having to pay for the overhead of an engineering firm.

Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the city.

FINANCIAL IMPACT:

Approximately \$10,500 based on an es

Eng. for sig.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To authorize staff to enter into an agreement with Mr. Posthuma.

COMMITTEE RECOMMENDATION:

AGREEMENT FOR PROFESSIONAL SERVICES
(REVISED 1/15/07)

This agreement is made between the CITY OF MUSKEGON ("City"), and ALBERT R. POSTHUMA ("Posthuma") concerning professional personnel related services.

THE PARTIES AGREE AS FOLLOWS:

1.0 CONCERNING PROFESSIONAL SERVICES

- 1.1 Posthuma agrees to perform, under the general direction of the City Engineer and the administrative supervision of the City Manager, the tasks as a professional engineer relevant to the evaluation and design of the clay hill area sewer project.
- 1.2 By this agreement Posthuma is appointed, for its term, as a professional Engineer for the City of Muskegon.
- 1.3 Posthuma will perform said services at such times that are reasonably necessary as directed by the City Engineer to carry out his commitments, obligations and services contracted for.

2.0 COMPENSATION FOR SERVICES

- 2.1 The City will compensate Posthuma \$75.00 per hour. Posthuma shall invoice the City for time spent and City shall pay Posthuma based upon that invoice. No other forms of compensation are applicable.

3.0 TERM AND TERMINATION

- 3.1 This agreement is effective 02/01/2007, and will continue until 02/01/2008 or until the design is completed and the project is bid, whichever shortest, unless terminated earlier upon a written notice by the City.

Renewals or extensions may occur on a mutually acceptable terms.

- 3.2 The City and Posthuma reserve the right to terminate this agreement upon a two week written notice.

4.0 GENERAL AND SPECIFIC CONDITIONS

- 4.1 Posthuma agrees that he is an independent contractor. He is required by this contract only to render services at such times and on such schedules as agreed upon between Posthuma and the City Engineer. Posthuma acknowledges that he is not an employee, that he has no rights to benefits, withholding of FICA contributions, tax withholding, unemployment, workers compensation, pension credits, insurance for active employees or other employment fringe rights or benefits, and that his compensation is limited to the hourly compensation set forth above.
- 4.2 Posthuma agrees to exercise his best effort to avoid representation of any person, party, or entity in any cause contrary to the interest of the City. He will also desist from representing any person, party, or entity on any matter in which the City is or may become an opposing party.
- 4.3 Posthuma agrees to obtain and maintain Professional Liability Insurance in the amount of \$1,000,000 (limit of liability per claim and annual aggregate) during the term of this Agreement. The insurance coverage will apply to wrongful acts by the insured, including any actual or alleged act, error or omission in the rendering of or failure to render professional services for the City. The City will notify Posthuma of any potential claims within 30 days of the termination of this Agreement.

Commission Meeting Date: January 23, 2007

Date: January 12, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBL*
RE: Zoning Ordinance Amendment – ZBA Newspaper Public Notice

SUMMARY OF REQUEST:

Request to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the language regarding newspaper notice of ZBA public hearings.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/11 meeting. The vote was unanimous with T. Harryman, and J. Aslakson absent.

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

January 11, 2007

Hearing; Case 2007-01: Staff initiated request to amend Section 2504 (Hearings Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) to meet the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006, regarding Zoning Board of Appeals newspaper public notice.

BACKGROUND

When this same section came to Planning Commission for amendment in October 2006, staff overlooked some language that should have been deleted. All notices must be served at least 15 days prior to the day of the hearing. The old requirement was 10 days (excluding Saturdays, Sundays, and holidays). The new Zoning Enabling Act clarified this time frame by just requiring a simple 15 days notice requirement. That means we may delete the language referring to those additional days.

NEW LANGUAGE

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

1. When an application or appeal has been filed in proper form and with the required date, the Zoning Administrator shall immediately place said application or appeal upon the calendar for hearing and cause notices, stating the time, place, and purposes of the hearing being served. Such notices shall be published in a newspaper of general circulation and served personally or by mail at least fifteen (15) days ~~(excluding Saturdays, Sundays, and holidays)~~ prior to the day of such hearing, upon the applicant or appellant, the Building Inspector, the owners of property and the occupants of single and two-family dwellings within three hundred (300) feet of the property in question. If the tenant's name is not known, the notice may be addressed to the occupant.

Any party may appear at such hearings in person or be represented by agents, attorneys, or both.

DELIBERATION

I move that the amendment to Section 2504, #1, of Article XXV, (Zoning Board of Appeals), of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2215

An ordinance to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding newspaper public notice for Zoning Board of Appeals public hearings.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) is amended regarding public notice for Zoning Board of Appeals public hearings, as follows:

Changes to Section 2504, (#1): Zoning Board of Appeals

1. When an application or appeal has been filed in proper form and with the required date, the Zoning Administrator shall immediately place said application or appeal upon the calendar for hearing and cause notices, stating the time, place, and purposes of the hearing being served. Such notices shall be published in a newspaper of general circulation and served personally or by mail at least fifteen (15) days prior to the day of such hearing, upon the applicant or appellant, the Building Inspector, the owners of property and the occupants of single and two-family dwellings within three hundred (300) feet of the property in question. If the tenant's name is not known, the notice may be addressed to the occupant.

Any party may appear at such hearings in person or be represented by agents, attorneys, or both.

This ordinance adopted:

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

Nayes: None

Adoption Date: January 23, 2007

Effective Date: February 6, 2007

First Reading: January 23, 2007

Second Reading: N/A

CITY OF MUSKEGON

By: Linda S. Potter
Linda S. Potter, CMC, Acting 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 23 day of January, 2007, 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 23, 2007.



Linda S. Potter, CMC

Acting 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 ²³~~14~~, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2504 (Hearings, Notices, and Adjournments, #1) of Article XXV (Zoning Board of Appeals) regarding the newspaper public notice for Zoning Board of Appeals public hearings.

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 January 27, 200~~6~~7

CITY OF MUSKEGON

By _____
Linda S. Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

Date: 01/23/07
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST:

Authorize staff to purchase six (6) 2007 Crown Victories through the Macomb County Purchasing Contract since it was the lowest responsible bid received for a total bid of \$123,582.

FINANCIAL IMPACT:

\$123,582.00

BUDGET ACTION REQUIRED:

None. \$150,000 was budgeted for this purchase.

STAFF RECOMMENDATION:

Authorize staff to purchase the vehicles using the Macomb County Purchasing Contract.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 01/23/07

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of six Crown Victoria Police Interceptors for 2007. These vehicles will be set up with video systems, light bars, and radar units and be used as police patrol cars.

I have requested prices from area dealers as well as the statewide purchasing contract. The Macomb County Bid is the bid the equipment division is recommending. Attached is a summary of the bids.

If the Commission wishes to implement the policy regarding local preference, Tony Betten & Sons is within 1% of the lowest non-local bid and has a business location in the City of Muskegon.

Equipment Purchase - 2007

	<u>Macomb County</u>	<u>Great Lakes Ford</u>	<u>Tony Betten</u>	
	<u>3942 W. Lansing</u>	<u>2469 E. Apple Ave</u>	<u>3839 Plainfield NE</u>	
<u>Type of Vehicle</u>	<u>Perry Mi 48872</u>	<u>Muskegon Mi 49442</u>	<u>Grand Rapids Mi 49525</u>	
6 Crown Victoria	\$20,597.00	\$20,783.00	\$20,651.45	
Police Interceptors				
Total	\$123,582.00	\$124,698.00	\$123,908.70	

Commission Meeting Date: January 23, 2007

Date: January 10, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Public Hearing - Request to Establish an Obsolete Property District – Sen Peevo, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Sen Peevo, LLC, PO Box 1681, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 902 Pine Street, Muskegon, MI, the former Pine Street Antique Mall. Total capital investment for this project is \$1.3 million. The project will result in the creation of several new jobs in the City.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 902 Pine Street, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2007-10(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

By Linda S. Potter
Linda S. Potter, CMC
Acting Clerk

2007-10(a)
CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on January 23, 2007. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Linda S. Potter
Linda S. Potter, CMC
Acting Clerk

ATTACHMENT A

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 11-16 BLK 189

Commission Meeting Date: January 23, 2007

Date: January 10, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – Sen Peevo, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, PCJ Enterprises, LLC, 749 Moulton Avenue, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 902 Pine Street (former Pine Street Antique Mall), Muskegon, MI. The building is presently unoccupied, but will be rehabilitated for use as the Muskegon Brewing Company & Distilling Company, a restaurant/brew pub on the first floor of the building and residential on the second floor of the building. Total capital investment for this project is \$1.3 million. The project will result in bringing several of new jobs to the City of Muskegon. Because of the amount of investment, the applicant is eligible for a twelve (12) year certificate.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property Certificate for 902 Pine Street, Muskegon, MI for a term of twelve (12) years.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2007-10(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by SEN PEEVO, L.L.C.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Sen Peevo, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on January 23, 2007, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on May 11, 2004, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Sen Peevo, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for twelve (12) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will

be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by January 23, 2008, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Sen Peevo, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of twelve (12) years;
- 2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
- 3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

By Linda S. Potter
Linda S. Potter, Acting City Clerk

2007-10(b)
CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on January 23, 2007. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Linda S. Potter
Linda S. Potter, Acting City Clerk

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by P.A. 146 of 2000. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.

Applicant (Company) Name (applicant must be the OWNER of the facility) <u>Steve Buszka, Sen Peevo, LLC</u>								
Company Mailing address (No. and street, P.O. Box, City, State, ZIP code) <u>902 Pine Street P.O. Box 1681, Muskegon, MI 49443</u>								
Location of obsolete facility (No. and street, P.O. Box, City, State, ZIP Code) <u>902 Pine Street, Muskegon, MI 49442</u>								
City, Township, Village (indicate which) <u>Muskegon</u>		County <u>Muskegon</u>						
Date of Commencement of Rehabilitation <u>February 1, 2007</u>	Planned date of Completion of Rehabilitation <u>March Feb. 1, 2009</u>	School District where facility is located (include school code) <u>Muskegon Public 61010</u>						
Estimated Cost of Rehabilitation	Number of years exemption requested <u>12</u>	Attach Legal description of Obsolete Property on separate sheet						
Expected project likelihood (check all that apply): <table border="0"><tr><td>☒ Increase Commercial activity</td><td>☒ Retain employment</td><td>☒ Revitalize urban areas</td></tr><tr><td>☒ Create employment</td><td>☒ Prevent a loss of employment</td><td>☒ Increase number of residents in the community in which the facility is situated</td></tr></table> Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment _____			☒ Increase Commercial activity	☒ Retain employment	☒ Revitalize urban areas	☒ Create employment	☒ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated
☒ Increase Commercial activity	☒ Retain employment	☒ Revitalize urban areas						
☒ Create employment	☒ Prevent a loss of employment	☒ Increase number of residents in the community in which the facility is situated						
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. ☒								

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) <u>Steve Buszka</u>	Telephone Number <u>269-377-6901</u>	Fax Number
Mailing Address <u>P.O. Box 1681, Muskegon, MI 49443</u>		Email Address <u>muskegonbrewing@yahoo.com</u>
Signature <u>Steve</u>		Title <u>Owner/President</u>

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 to be completed by the assessor.

Signature	Date application received
-----------	---------------------------

FOR STATE TAX COMMISSION USE

Application Number	Date Received
--------------------	---------------

902 Pine St Muskegon, MI 49442

Accompanying Documentation for Obsolete Property Rehabilitation Exemption Application

Estimated Cost of Rehabilitation

Project rehabilitation total is \$1.3 million including:

- Building purchase and renovations cost of \$572,000 for the business
- Building renovations cost of \$90,000 for the residential areas
- Building renovations cost of \$40,000 for facade and window replacement
- \$290,000 for equipment
- \$100,000 in start-up costs, including licensing

Legal Description of Obsolete Property

- Tax ID # 6124205189001100
- Lots 11-16, Block 189, City of Muskegon Revised plat of 1903
- Lot Dimensions – 116 x 140
- Muskegon School District
- Annual Property Taxes – 3900
- Tax Year – 2004
- Zoning – B-

General Description of the Obsolete Property

- Year Built – 1920
- Original Use – Furniture Store
- Most Recent Use – Antique Mall
- Number of Stories – 2
- Square Footage – 13,000

General Description of the Proposed Use of the Rehabilitated Facility

The building will be rehabilitated to house the Muskegon Brewing & Distilling Company business and provide residential space for the owners and renters. The company will produce high quality hand crafted brews, brandy, and vodka in a microbrewery and distillery to be served at a fresh food eatery and tasting room. Offering relaxing and comfortable surroundings, unparalleled service, and great tasting food and drinks, the extraordinary atmosphere of the brewpub will surround customers with entertaining views of the high quality and superb tasting beer, brandy, and vodka as it is being brewed and distilled. Off street parking on corner of pine and Walton will be used by the company's employees and customers and tenants.

Description of the General Nature and Extent of the Rehabilitation to be Undertaken

- Old carpet removed
- Ceilings and flooring repaired and/or replaced
- Electrical and plumbing replaced to meet code
- Fire suppression added
- Handicap accessible restrooms added
- Reinforcement of flooring where needed

- Windows repaired and/or replaced
- Emergency exits repaired, added, or replaced where needed
- An elevator will be added to the building
- Replacement of interior stairways in the business
- Resurfacing of the parking lot

Descriptive List of the Fixed Building Equipment that will be a Part of the Rehabilitated Facility

- A large two door antique safe will remain in the building

Time Schedule for Undertaking and Completing the Rehabilitation of the Facility

- Construction for the business on the first floor is expected to begin February 1, 2007
- Construction for the business is expected to be completed by June 1, 2007
- Construction for the residential area is expected to be completed by November 1, 2007
- Facade and window replacement is expected to be completed by February 1, 2009

The Economic Advantages Expected from the Exemption

- Rehabilitation of the property
- Job creation and wages for additional employees
- Marketing of the business to bring revitalization and growth to the area

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: January 23, 2007

RE: Public Hearing
Spreading of the Special Assessment Roll
Lakeshore Dr., McCracken St. to 145' North Easterly of Vanderlinde St.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Lakeshore Dr. from McCracken St. to 145' North Easterly of Vanderlinde St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$104,120.38 would be spread against the sixty-six- (66) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2007-10(c)

Resolution Confirming Special Assessment Roll

For Lakeshore Dr. from McCracken St. to 145' North Easterly of Vanderlinde St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 14, 2006** at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Lakeshore Dr., McCracken St. to 145' North Easterly of Vanderlinde St.
Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

Abstain: Warmington

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **January 23, 2007**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **January 23, 2007**.

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

EXHIBIT A

**LAKESHORE DR., MCCRACKEN AVE. TO 145' NORTHEASTERLY OF
CENTERLINE OF VANDERLINDE ST.**

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Lakeshore Dr., Mccracken Ave. to 145'
Northeasterly of Centerline of Vanderlinde St.**

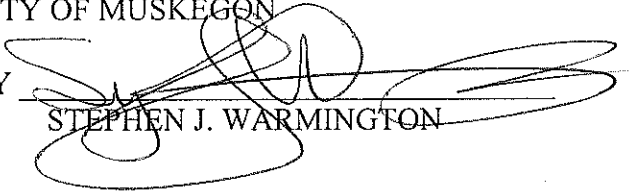
**LAKESHORE DR., MCCRACKEN ST. TO 145' NORTH EASTERLY OF
VANDERLINDE ST.**

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

**H-1609 ,Lakeshore Drive, McCracken Ave. To 145' northeasterly of centerline of
Van Der Linde ST.**

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON
EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN
THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE
LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY
MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED
STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH
OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST
TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED
STATES MAIL RECEPTACLE ON THE 11th DAY OF JANUARY 2007

Linda Potter

LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2 DAY OF February, 2007.

Sp. Ann M. Kaukoaski

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2011

January 11, 2007

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 2

Property Parcel Number: 24-205-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

LAKESHORE DR. , McCRACKEN TO 145' NORTHEASTERLY OF CENTERLINE OF VAN DER LINDE ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JANUARY 23, 2007 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JANUARY 23, 2007 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$416,500.00 of which \$104,120.38 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1976.4 based on 120 feet assessable front footage at \$16.47 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1976.4 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$197.64 PER YEAR
Due Date: March 26, 2007

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

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

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
LAKESHORE DR., McCRACKEN Ave. to
145' northeasterly of the centerline of VAN DER LINDE ST. AVE. H 1609
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
LAKESHORE DR., McCRACKEN AVE. TO
145' northeasterly of the centerline of VAN DER LINDE ST. H 1609
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you **to the extent that funds are available.**

Application Requirements:

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

2005

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

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

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

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

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

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

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**LAKESHORE DR., MCCrackEN TO 145' NORTH EASTERLY OF VANDERLINDE ST.
And
MONTGOMERY AVE., LAKETON AVE. TO SOUTHERN AVE.**

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

**All parcels abutting Lakeshore Dr. from McCracken St. to 145' north easterly of
Vanderlinde St.**

And

All parcels abutting Montgomery Ave., from Laketon Ave. to Southern Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **January 23, 2007 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED 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, 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 THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Linda Potter, Acting City Clerk

Publish: **JANUARY 13, 2007**

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:

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Lakeshore Dr., McCracken Ave. to Laketon Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3rd DAY OF MARCH, 2006.

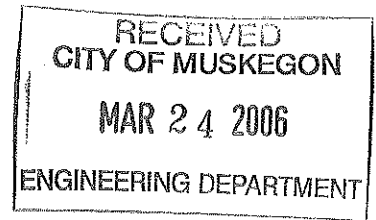
Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
22nd DAY OF March, 2006.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

CITY OF MUSKEGON

Resolution No. 2006-25 (d)



Resolution At First Hearing Creating Special Assessment District
For **LAKESHORE DR., MCCRACKEN AVE. TO 145' NORTHEASTERLY OF CENTERLINE
OF VANDERLINDE ST.**

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

RECITALS:

1. A hearing has been held on **March 14, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 14, 2006**, there were 29.42 % 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

2. Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Warmington and Davis and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **21.07%** 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 Wierengo, Carter, Davis, Gawron, and Spataro

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 14, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

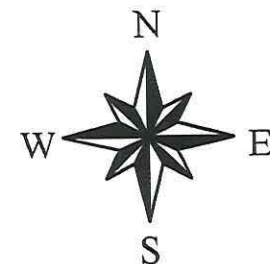
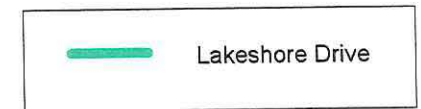
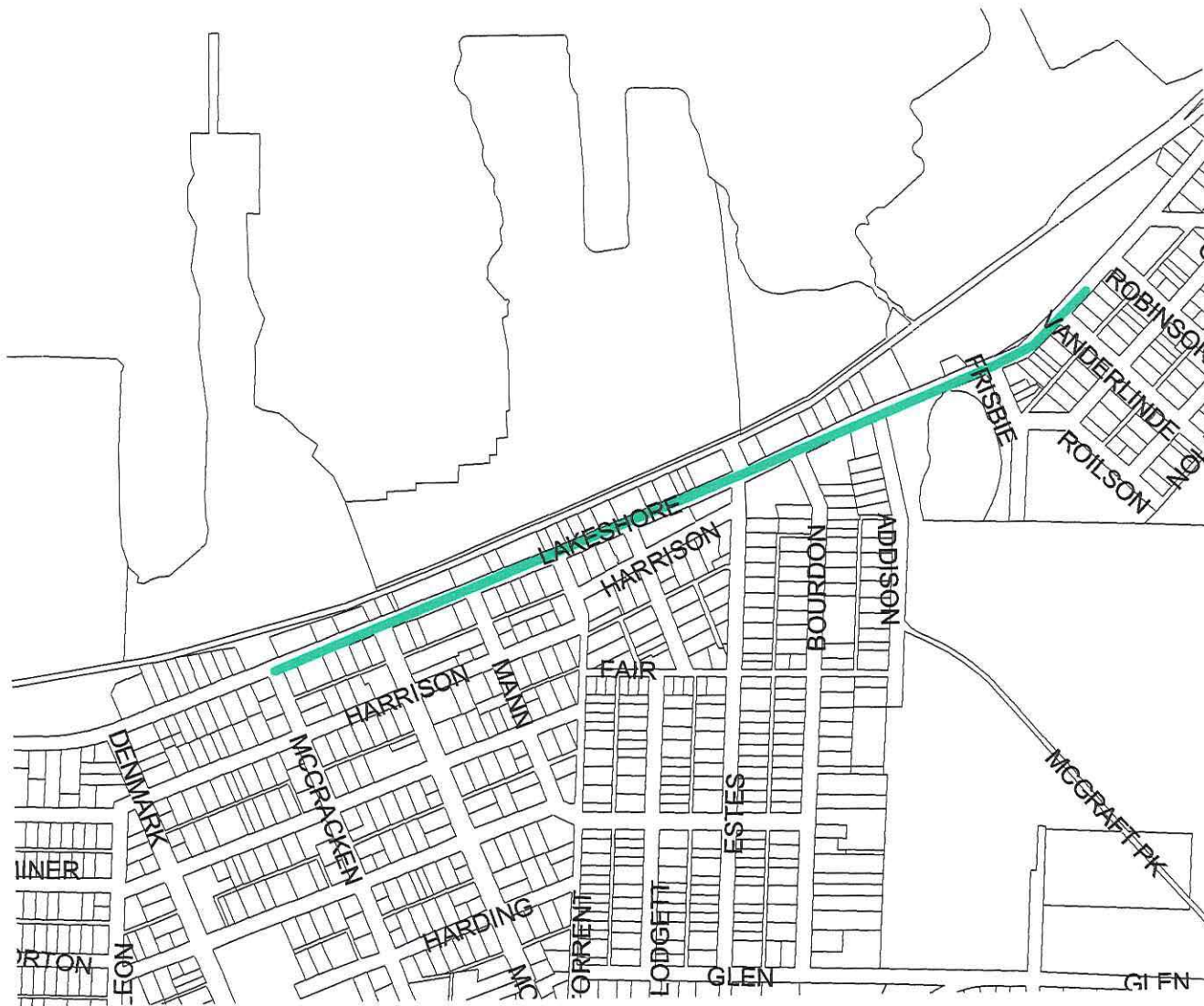
EXHIBIT A

**LAKESHORE DR., MCCRACKEN AVE. TO 145' NORTHEASTERLY OF
CENTERLINE OF VANDERLINDE ST.**

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Lakeshore Dr., Mccracken Ave. to 145'
Northeasterly of Centerline of Vanderlinde St.**

Lakeshore Drive



LAKESHORE DR. , McCRACKEN TO 145' NORTHEASTERLY OF CENTERLINE OF VAN DER LINDE ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-531-0001-00	1915 FRISBIE ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$3,211.65	\$0.00	\$3,211.65
24-205-625-0001-00	1883 LAKESHORE DR	KORNDORFER PAUL	1883 LAKESHORE DR	MUSKEGON	MI	49441-1	\$594.57	\$0.00	\$594.57
24-205-624-0003-00	1845 LAKESHORE DR	GREAT LAKES MARIN	1920 LAKESHORE DR	MUSKEGON	MI	49441-0	\$1,956.64	\$0.00	\$1,956.64
24-205-624-0001-00	1831 LAKESHORE DR	VERIZON INC	P O BOX 152206	IRVING	TX	75015	\$1,619.66	\$0.00	\$1,619.66
24-205-622-0021-00	1777 LAKESHORE DR	LAKESIDE VETERANS	1777 LAKESHORE DR	MUSKEGON	MI	49441	\$2,388.15	\$0.00	\$2,388.15
24-205-611-0021-00	1763 LAKESHORE DR	MUSKEGON RECREA	1761 LAKESHORE DR	MUSKEGON	MI	49441	\$2,009.34	\$0.00	\$2,009.34
24-205-529-0004-00	1595 LAKESHORE DR	WASSERMAN PROPE	1595 LAKESHORE DR	MUSKEGON	MI	49441	\$1,119.96	\$0.00	\$1,119.96
24-205-610-0001-00	1705 LAKESHORE DR	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$4,446.90	\$0.00	\$4,446.90
24-205-625-0004-00	1905 LAKESHORE DR	GOMEZ ANTHONY S	16500 HICKORY ST	SPRING LAKE	MI	49456-1	\$547.63	\$0.00	\$547.63
24-205-530-0005-00	1637 LAKESHORE DR	MCCABE JAMES	1637 LAKESHORE DR	MUSKEGON	MI	49441	\$922.32	\$0.00	\$922.32
24-205-530-0004-00	1629 LAKESHORE DR	INGLOT PATRICK	599 GRAND WOODS	GRAND RAPID	MI	49525	\$889.38	\$0.00	\$889.38
24-205-530-0003-10	1623 LAKESHORE DR	SCHWING PAUL D	1623 LAKESHORE DR	MUSKEGON	MI	49441	\$548.95	\$0.00	\$548.95
24-205-530-0003-00	1621 LAKESHORE DR	VARBONCOEUR JOSE	1615 LAKESHORE DR	MUSKEGON	MI	49441	\$548.95	\$0.00	\$548.95
24-205-530-0002-00	1615 LAKESHORE DR	VARBONCOEUR JOSE	1615 LAKESHORE DR	MUSKEGON	MI	49441	\$1,097.89	\$0.00	\$1,097.89
24-205-636-0007-00	2085 LAKESHORE DR	BVF PROPERTIES LLC	3276 BOLTWOOD DR	MUSKEGON	MI	49441	\$988.20	\$0.00	\$988.20
24-205-611-0021-40	1737 LAKESHORE DR	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$1,647.00	\$0.00	\$1,647.00
24-205-635-0001-00	1983 LAKESHORE DR	WARMINGTON STEPH	1983 LAKESHORE DR	MUSKEGON	MI	49441	\$1,087.02	\$0.00	\$1,087.02
24-205-636-0005-00	2075 LAKESHORE DR	HASSALEVRIS JOHN/	2075 LAKESHORE DR	MUSKEGON	MI	49441	\$1,976.40	\$0.00	\$1,976.40

LAKESHORE DR. , McCRACKEN TO 145' NORTHEASTERLY OF CENTERLINE OF VAN DER LINDE ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-636-0004-00	2063 LAKESHORE DR	STEINBACH & STEINB	2009 LAKESHORE DR MUSKEGON MI 49441	\$988.20	\$0.00	\$988.20
24-205-636-0003-00	2055 LAKESHORE DR	GOETZ TRACI L	2055 LAKESHORE DR MUSKEGON MI 49441	\$988.20	\$0.00	\$988.20
24-205-636-0002-00	2043 LAKESHORE DR	STEINBACH & STEINB	2009 LAKESHORE DR MUSKEGON MI 49441	\$988.20	\$0.00	\$988.20
24-205-636-0001-00	2033 LAKESHORE DR	DEWALD LORRAINE H	1580 NELSON ST MUSKEGON MI 49441	\$988.20	\$0.00	\$988.20
24-205-635-0007-00	2017 LAKESHORE DR	GHEZZI RICHARD P	2017 LAKESHORE DR MUSKEGON MI 49441	\$1,087.02	\$0.00	\$1,087.02
24-205-625-0002-00	1891 LAKESHORE DR	KORNDORFER PAUL	1883 LAKESHORE DR MUSKEGON MI 49441-1	\$502.34	\$0.00	\$502.34
24-205-635-0002-00	1991 LAKESHORE DR	JOE LLC	144 GRAND AVE NE GRAND RAPID MI 49503	\$2,552.85	\$0.00	\$2,552.85
24-205-625-0003-00	1899 LAKESHORE DR	KORNDORFER PAUL	1883 LAKESHORE DR MUSKEGON MI 49441	\$547.63	\$0.00	\$547.63
24-205-627-0005-00	1965 LAKESHORE DR	WILLIAM J GIBNER LL	2125 W GLEN CT MUSKEGON MI 49441-4	\$1,087.02	\$0.00	\$1,087.02
24-205-627-0004-00	1953 LAKESHORE DR	ERIN CARR PROPERT	1953 LAKESHORE DR MUSKEGON MI 49441	\$1,087.02	\$0.00	\$1,087.02
24-205-627-0003-00	1945 LAKESHORE DR	THORSEN PAUL D	3377 WINNETASKA R MUSKEGON MI 49441	\$724.68	\$0.00	\$724.68
24-205-627-0002-00	1937 LAKESHORE DR	GREAT LAKES MARIN	1920 LAKESHORE DR MUSKEGON MI 49441	\$1,268.19	\$0.00	\$1,268.19
24-205-627-0001-00	1927 LAKESHORE DR	DHUSE ROGER	1198 CORNELL MUSKEGON MI 49441	\$1,268.19	\$0.00	\$1,268.19
24-205-529-0003-00	1587 LAKESHORE DR	POTEMPA SHIRLEY	1587 LAKESHORE DR MUSKEGON MI 49441-2	\$724.68	\$0.00	\$724.68
24-205-635-0006-00	2009 LAKESHORE DR	STEINBECK JOHN	18364 174TH SPRING LAKE MI 49456	\$708.21	\$0.00	\$708.21
24-205-609-0007-00	1732 LAKESHORE DR	GARRETT LORIL	2964 LAKESHORE DR MUSKEGON MI 49441	\$1,152.90	\$0.00	\$1,152.90
24-205-596-0001-20	1830 LAKESHORE DR	KUBON NANCY ET AL	1830 LAKESHORE DR MUSKEGON MI 49441	\$658.80	\$0.00	\$658.80
24-205-596-0001-10	1824 LAKESHORE DR	NYE DONALD H	1824 LAKESHORE DR MUSKEGON MI 49441	\$658.80	\$0.00	\$658.80

LAKESHORE DR. , McCRACKEN TO 145' NORTHEASTERLY OF CENTERLINE OF VAN DER LINDE ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-596-0001-00	1812 LAKESHORE DR	MCEWEN RICHARD	3789 WICKHAM DR	MUSKEGON	MI	49441	\$1,630.53	\$0.00	\$1,630.53
24-205-609-0013-00	1786 LAKESHORE DR	CROW INVESTMENTS	1756 LAKESHORE DR	MUSKEGON	MI	49441	\$1,317.60	\$0.00	\$1,317.60
24-205-609-0010-00	1756 LAKESHORE DR	RAANS PROPERTIES	1756 LAKESHORE DR	MUSKEGON	MI	49441	\$3,261.06	\$0.00	\$3,261.06
24-205-530-0001-00	1605 LAKESHORE DR	LARSON JAMES H	1605 LAKESHORE DR	MUSKEGON	MI	49441	\$1,097.89	\$0.00	\$1,097.89
24-205-609-0008-00	1742 LAKESHORE DR	LATHROP PATRICIA R	5070 EDENBROOK C	MUSKEGON	MI	49441	\$1,087.02	\$0.00	\$1,087.02
24-205-596-0002-10	1864 LAKESHORE DR	PPJ INVESTMENTS LL	1864 LAKESHORE DR	MUSKEGON	MI	49441-0	\$2,239.92	\$0.00	\$2,239.92
24-205-609-0006-00	1724 LAKESHORE DR	SIEDLECKI TERESA M	1724 LAKESHORE DR	MUSKEGON	MI	49441	\$823.50	\$0.00	\$823.50
24-205-609-0005-00	1716 LAKESHORE DR	STEINHAUER CHERYL	1716 LAKESHORE DR	MUSKEGON	MI	49441	\$988.20	\$0.00	\$988.20
24-205-609-0002-00	1700 LAKESHORE DR	FRANKLIN RONALD A	1700 LAKESHORE DR	MUSKEGON	MI	49441	\$2,635.20	\$0.00	\$2,635.20
24-205-609-0001-00	1682 LAKESHORE DR	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$2,388.15	\$0.00	\$2,388.15
24-035-200-0001-00	1654 LAKESHORE DR	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$1,647.00	\$0.00	\$1,647.00
24-205-592-0001-00	1630 LAKESHORE DR	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$3,085.82	\$0.00	\$3,085.82
24-205-609-0009-00	1748 LAKESHORE DR	THORSEN PAUL D	3377 WINNETASKA R	MUSKEGON	MI	49441	\$1,087.02	\$0.00	\$1,087.02
24-205-596-0004-00	1930 LAKESHORE DR	FELINSKI BILL W TRU	3084 LAKESHORE DR	MUSKEGON	MI	49441	\$3,121.07	\$0.00	\$3,121.07
24-205-597-0008-00	2090 LAKESHORE DR	STATE OF MICHIGAN	PO BOX 30735	LANSING	MI	48909-8	\$0.00	\$0.00	\$0.00
24-205-597-0005-00	2080 LAKESHORE DR	FUNK EDWARD W TR	3066 KNOLLWOOD C	MUSKEGON	MI	49441	\$2,964.60	\$0.00	\$2,964.60
24-205-597-0004-00	2054 LAKESHORE DR	FUNK EDWARD W TR	2054 LAKESHORE DR	MUSKEGON	MI	49441	\$1,647.00	\$0.00	\$1,647.00
24-205-597-0001-00	2034 LAKESHORE DR	DOOM JEFFERY	2034 LAKESHORE DR	MUSKEGON	MI	49441	\$2,305.80	\$0.00	\$2,305.80

LAKESHORE DR. , McCRACKEN TO 145' NORTHEASTERLY OF CENTERLINE OF VAN DER LINDE ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-596-0007-00	2020 LAKESHORE DR	2020 BUILDING LLC	2020 LAKESHORE DR	MUSKEGON	MI	49441	\$988.20	\$0.00	\$988.20
24-205-596-0007-10	2016 LAKESHORE DR	SORRENTO RESTAUR	2020 LAKESHORE DR	MUSKEGON	MI	49441	\$329.40	\$0.00	\$329.40
24-205-596-0002-00	1836 LAKESHORE DR	PASTOOR JAMES R J	1836 LAKESHORE DR	MUSKEGON	MI	49441	\$1,317.60	\$0.00	\$1,317.60
24-205-596-0004-20	1950 LAKESHORE DR	GREAT LAKES MARIN	1920 LAKESHORE DR	MUSKEGON	MI	49441	\$2,725.79	\$0.00	\$2,725.79
24-205-596-0008-00	1920 LAKESHORE DR	GREAT LAKES MARIN	1920 LAKESHORE DR	MUSKEGON	MI	49441	\$2,706.52	\$0.00	\$2,706.52
24-205-596-0003-20	1910 LAKESHORE DR	BAILEY GEORGE/DON	1920 LAKESHORE DR	MUSKEGON	MI	49441	\$905.85	\$0.00	\$905.85
24-205-596-0003-10	1904 LAKESHORE DR	GOFF ROBERT SR/SH	1904 LAKESHORE DR	MUSKEGON	MI	49441	\$741.15	\$0.00	\$741.15
24-205-596-0003-00	1896 LAKESHORE DR	KUSHNAK GERARD J	1037 ENGLEWOOD A	MUSKEGON	MI	49441	\$900.58	\$0.00	\$900.58
24-205-596-0002-40	1888 LAKESHORE DR	PAIVA BARBARA	1880 SOUTHWOOD A	MUSKEGON	MI	49441-3	\$955.26	\$0.00	\$955.26
24-205-596-0002-30	1878 LAKESHORE DR	MCNIFF WILLIAM H/D	3404 FULTON	MUSKEGON	MI	49441	\$1,453.15	\$0.00	\$1,453.15
24-205-585-0001-00	1490 LAKESHORE DR	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$7,839.72	\$0.00	\$7,839.72
24-205-596-0005-00	1988 LAKESHORE DR	GREAT LAKES MARIN	1920 LAKESHORE DR	MUSKEGON	MI	49441	\$4,348.08	\$0.00	\$4,348.08

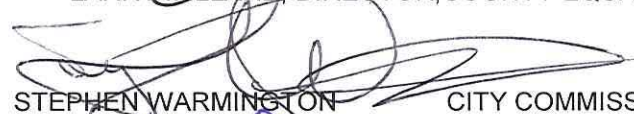
LAKESHORE DR. , McCRACKEN TO 145' NORTHEASTERLY OF CENTERLINE OF VAN DER LINDE ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$104,120.38	\$0.00	\$104,120.38

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

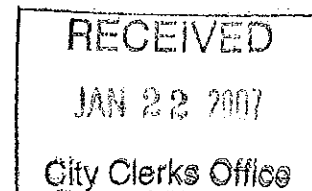
BOARD OF ASSESSORS

	1/26/07
LARRY MILLARD, DIRECTOR, COUNTY EQUALIZATION	DATE
	1-29-07
STEPHEN WARMINGTON	CITY COMMISSIONER
	DATE
	26 Jan 07
KEVIN DAVIS	CITY COMMISSIONER
	DATE

January 20, 2007

From: Laureen Felinski Samples, Representative
Bill W. Felinski Trust
3084 Lakeshore Dr.
Muskegon, MI 49441

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



RE: Street Improvement Assessment
Property Parcel # 24-205-596-0004-00 at 1930 Lakeshore Dr.

To Whom It May Concern:

The intent of this communiqué is to request a reduction of the \$3121.06 assessment assigned to our property from the recent street improvement. If you're not already aware, the business at that location, Lakeview Mart (BP gas station and convenience store) closed on August 9th after 37 years. This particular street improvement was the third on Lakeshore Drive itself during that 37 years. In the last 3 years, there has been construction on surrounding streets each summer. Each of these 6 "improvement" projects significantly affected our business in a negative way. Drivers who made our business their first daily stop in years past were forced to choose different routes to work due to these projects. In most instances, once someone has become accustomed to a new route to work, they often times continue on that route once their original route has returned to being functional. The bottom line is that each of these projects cost us customers and thus a reduction in business, in addition to the cost paid to the city each time the project included Lakeshore Drive.

During the previous road improvement projects during which traffic was affected on Lakeshore Drive, our business barely survived. When we were informed about the upcoming Sept. 2006 road improvement project, we knew we could never survive it this time. That's why we voted "No" when we were issued what we thought was an actual ballot concerning the project. Learning that the project was scheduled to go ahead anyway played a significant role in our decision to close the business.

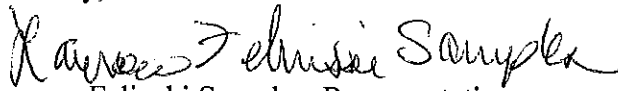
Literal and figurative roadblocks present themselves to independent business owners on a regular basis, and I understand that. What I don't understand is how those who have owned businesses in this city for decades, and have thus paid again and again via taxes and special assessments, for various projects therein, as well as having made all sorts of sacrifices financial and otherwise to try and keep those businesses open and serving the

city, aren't shown the same consideration or given the same opportunities as those who are now deciding to be a part of this city – in other words, those who are moving to or building in downtown Muskegon. We are a private and proud family, and we don't expect to be given anything that we haven't earned. At the same time, we don't feel it's right to have to pay someone else's way, either.

We had a feeling that no matter how we "voted" on this project, it was going to happen anyway. We voted against it, the project happened, and now one business is closed, and our other business on Lakeshore Drive suffered a significant financial impact. It just seems an unfair burden to have to shell out over \$3,000.00 for the whole experience as well.

It should be apparent that those of us who have been here for so long, believing in and investing in this city well before those who are now showing an interest in the area should be given the consideration of a break. Thank you for the opportunity to at least be heard.

Sincerely,


Laureen Felinski Samples, Representative
Bill W. Felinski Trust

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: January 23, 2007

RE: Public Hearing
Spreading of the Special Assessment Roll
Montgomery Street, Laketon Ave. to Southern Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Montgomery St. from Laketon Ave. to Southern Ave.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$90,964.99 would be spread against the fifty- (50) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2007-10(d)

Resolution Confirming Special Assessment Roll

For Montgomery St. from Laketon Ave. to Southern Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **January 24, 2006**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR **Montgomery St., Laketon Ave. to Southern Ave.**

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **January 23, 2007**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **January 23, 2007**.

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

EXHIBIT A

MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Montgomery St. between Laketon Ave. and Southern Ave.

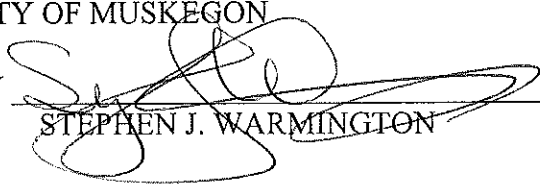
MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

H-1608, Montgomery St. , Laketon Ave. To Southern Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11th DAY OF JANUARY 2007

Linda Potter

LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2 DAY OF February, 2007.

JoAnn M. Krakowski

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2011

January 11, 2007

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 4

Property Parcel Number: 24-205-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JANUARY 23, 2007 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JANUARY 23, 2007 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$624,000.00 of which \$90,964.99 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2000 based on 62.5 feet assessable front footage at \$32 per assessable foot for the street improvements. In addition, you will be assessed \$156.6 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2156.6. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$215.66 PER YEAR
Due Date: March 26, 2007

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE. H 1608
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

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

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

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

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

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

INCOME INFORMATION

ANNUAL Household Income: \$ _____ Wage earner: _____

(Must include all household income)

Wage earner: _____

Wage earner: _____

Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

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

Homeowner's Insurance Co: _____ Expiration Date: _____

Property Taxes: () Current () Delinquent Year(s) Due _____

(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE. H 1608
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

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

2005	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

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

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

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

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

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

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Montgomery St., Laketon Ave. to Southern Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 13TH DAY OF JANUARY, 2006.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
25th DAY OF January, 2006.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**LAKESHORE DR., MCCrackEN TO 145' NORTH EASTERLY OF VANDERLINDE ST.
And
MONTGOMERY AVE., LAKETON AVE. TO SOUTHERN AVE.**

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

**All parcels abutting Lakeshore Dr. from McCracken St. to 145' north easterly of
Vanderlinde St.**

And

All parcels abutting Montgomery Ave., from Laketon Ave. to Southern Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **January 23, 2007 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED 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, 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 THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Linda Potter, Acting City Clerk

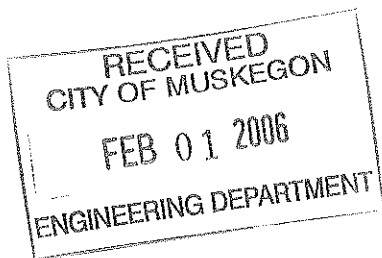
Publish: **JANUARY 13, 2007**

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:

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267



CITY OF MUSKEGON

Resolution No. 2006-09(b)

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

RECITALS:

1. A hearing has been held on **January 24, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 24, 2006**, there were 41.25 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

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

Nays Davis

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 24, 2006**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

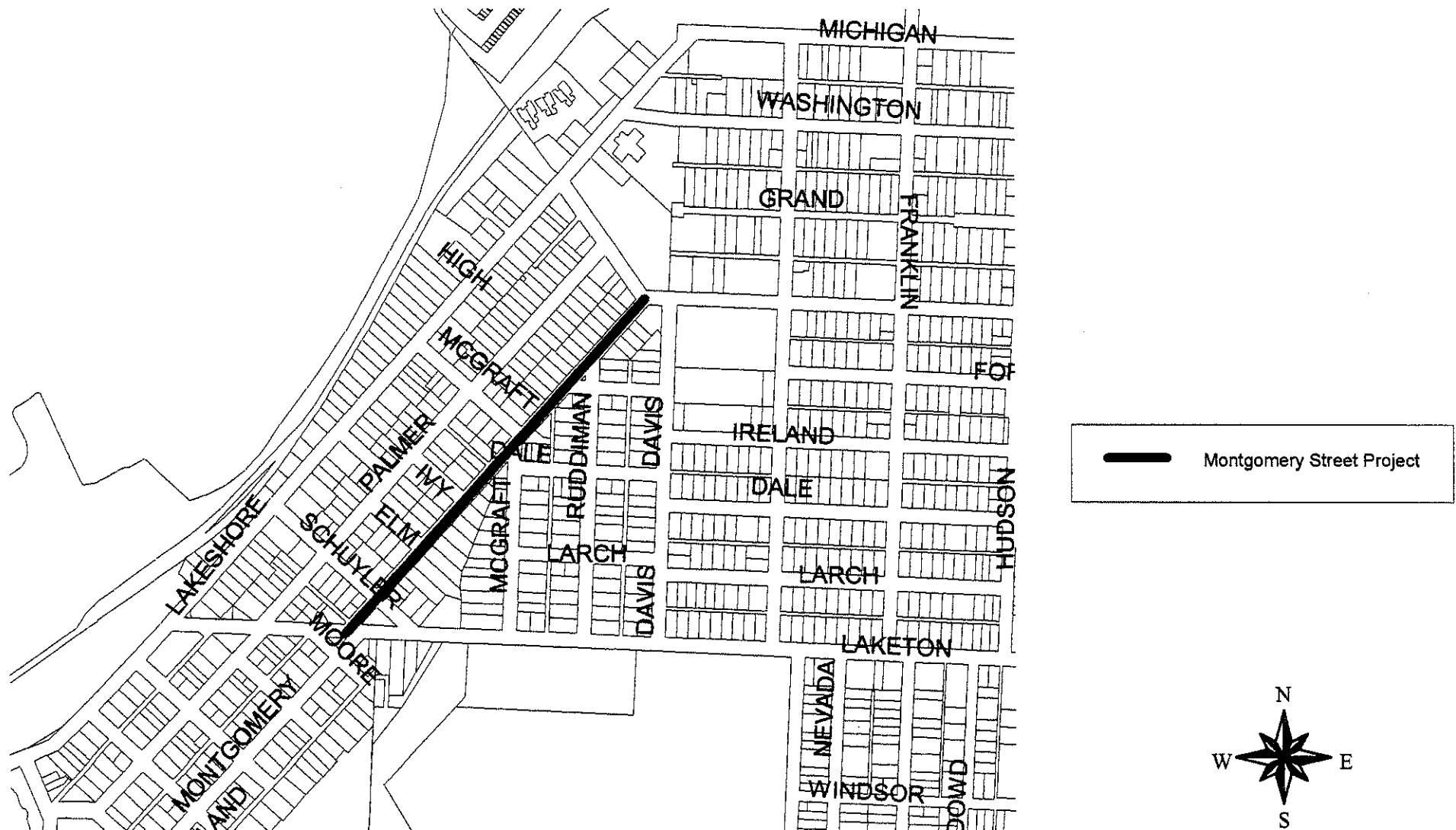
EXHIBIT A

MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Montgomery St. between Laketon Ave. and Southern Ave.

Montgomery Street - Southern to Laketon



MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-523-0008-00	1776 SCHUYLER ST	HOUSTON LINDA F	1776 SCHUYLER ST	MUSKEGON	MI	49441	\$2,000.00	\$156.60	\$2,156.60
24-205-523-0001-00	1733 ELM ST	MAXWELL ROBERT W	1733 ELM ST	MUSKEGON	MI	49441	\$2,000.00	\$0.00	\$2,000.00
24-205-521-0007-00	1364 MONTGOMERY A	CHAMPION STEVEN	1364 MONTGOMERY	MUSKEGON	MI	49441	\$1,872.00	\$0.00	\$1,872.00
24-205-521-0008-00	1358 MONTGOMERY A	GORYL JENNIFER	1358 MONTGOMERY	MUSKEGON	MI	49441	\$1,872.00	\$0.00	\$1,872.00
24-205-521-0001-10	1354 MONTGOMERY A	RODGERSON RAYMO	5168 WICKHAM DR	MUSKEGON	MI	49441	\$1,872.00	\$0.00	\$1,872.00
24-205-521-0001-00	1348 MONTGOMERY A	OLSEN JANET R	1348 MONTGOMERY	MUSKEGON	MI	49441	\$1,872.00	\$0.00	\$1,872.00
24-205-498-0007-00	1336 MONTGOMERY A	GORAJEC STANLEY J	1336 MONTGOMERY	MUSKEGON	MI	49441	\$2,640.00	\$0.00	\$2,640.00
24-205-498-0007-10	1326 MONTGOMERY A	FOSTER JEFFERY F/E	1326 MONTGOMERY	MUSKEGON	MI	49441	\$1,344.00	\$0.00	\$1,344.00
24-205-498-0007-20	1324 MONTGOMERY A	GAGNON STEVEN M	1324 MONTGOMERY	MUSKEGON	MI	49441	\$1,296.00	\$0.00	\$1,296.00
24-205-498-0001-10	1318 MONTGOMERY A	SUAREZ JOSE/TERRI	1318 MONTGOMERY	MUSKEGON	MI	49441	\$1,760.00	\$0.00	\$1,760.00
24-205-498-0001-00	1649 MCGRAFT ST	COYNE KEVIN J	1649 MCGRAFT ST	MUSKEGON	MI	49441	\$1,760.00	\$0.00	\$1,760.00
24-205-495-0009-00	1296 MONTGOMERY A	UNITARIAN FELLOWS	1296 MONTGOMERY	MUSKEGON	MI	49441	\$2,016.00	\$0.00	\$2,016.00
24-205-495-0010-00	1288 MONTGOMERY A	O BRIEN SHARLENE A	1288 MONTGOMERY	MUSKEGON	MI	49441	\$1,696.00	\$0.00	\$1,696.00
24-205-495-0011-00	1284 MONTGOMERY A	MITCHELL KENNETH	1284 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0011-10	1280 MONTGOMERY A	DAVIS JOSHUA B	1280 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0012-00	1276 MONTGOMERY A	VERSCHRAGEN GERA	1276 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0013-00	1270 MONTGOMERY A	JOHNSON MARYANN	3746 HARRIS DR	MUSKEGON	MI	49441-7	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0014-00	1266 MONTGOMERY A	DELELLO BARBARA J	2312 WESTWOOD RD	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00

MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-495-0014-10	1264 MONTGOMERY A	LEAR WILLIAM	1264 MONTGOMERY	MUSKEGON	MI	49441	\$1,552.00	\$0.00	\$1,552.00
24-205-495-0003-07	1256 MONTGOMERY A	LANKHORST DAVID A/	1256 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0003-08	1252 MONTGOMERY A	LARSON CALVIN/MAR	1252 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0003-09	1246 MONTGOMERY A	LARSON APRILL R	1246 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0003-10	1240 MONTGOMERY A	LEAFERS DIANE M	1240 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0003-11	1236 MONTGOMERY A	ANDERSON GINGER	3730 HTS RAVENNA	MUSKEGON	MI	49444-4	\$1,600.00	\$0.00	\$1,600.00
24-205-495-0003-12	1232 MONTGOMERY A	STEINER THOMAS	PO BOX 290	FRUITPORT	MI	49415	\$1,280.00	\$0.00	\$1,280.00
24-205-495-0003-13	1228 MONTGOMERY A	COLLEE KRISTEN M	1228 MONTGOMERY	MUSKEGON	MI	49441-1	\$1,280.00	\$0.00	\$1,280.00
24-205-495-0003-15	1224 MONTGOMERY A	POSTHUMUS CINDI	1224 MONTGOMERY	MUSKEGON	MI	49441	\$1,120.00	\$0.00	\$1,120.00
24-205-520-0022-20	1395 MONTGOMERY A	BAUER ERIN Z/BAUER	1395 MONTGOMERY	MUSKEGON	MI	49441	\$1,536.00	\$0.00	\$1,536.00
24-205-520-0022-10	1391 MONTGOMERY A	ZATZKE BRENT U/GR	1391 MONTGOMERY	MUSKEGON	MI	49441	\$1,280.00	\$0.00	\$1,280.00
24-205-520-0022-00	1387 MONTGOMERY A	PARKER BARRY A	1387 MONTGOMERY	MUSKEGON	MI	49441	\$1,408.00	\$0.00	\$1,408.00
24-205-520-0021-00	1381 MONTGOMERY A	BENTON KENNETH JR	PO BOX 1766	MUSKEGON	MI	49443-1	\$2,112.00	\$0.00	\$2,112.00
24-205-520-0020-00	1375 MONTGOMERY A	BADEAU WALTER W/T	8321 E TURNER CAM	INVERNESS	FL	34453-1	\$2,112.00	\$0.00	\$2,112.00
24-205-520-0019-00	1369 MONTGOMERY A	MUNOZ ALONZO	1369 MONTGOMERY	MUSKEGON	MI	49441	\$2,112.00	\$0.00	\$2,112.00
24-205-520-0018-00	1365 MONTGOMERY A	WOODS JAMES/JENNI	1365 MONTGOMERY	MUSKEGON	MI	49441	\$2,112.00	\$0.00	\$2,112.00
24-205-520-0017-00	1355 MONTGOMERY A	MEYERS KEITH A	2385 CRESS CREEK	MUSKEGON	MI	49444	\$2,112.00	\$0.00	\$2,112.00
24-205-520-0016-00	1351 MONTGOMERY A	LANING JEFFREY	17144 STANTON ST	WEST OLIVE	MI	49460	\$2,112.00	\$0.00	\$2,112.00

MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-520-0015-00	1345 MONTGOMERY A	MAJOR DEBRA	1669 RUDDIMAN ST	MUSKEGON	MI	49441	\$2,112.00	\$0.00	\$2,112.00
24-205-520-0014-00	1337 MONTGOMERY A	JOSLIN BRETT T	1337 MONTGOMERY	MUSKEGON	MI	49441	\$2,112.00	\$988.20	\$3,100.20
24-205-520-0013-00	1333 MONTGOMERY A	WHEELER GARY	4284 E FARR RD	FRUITPORT	MI	49415	\$2,112.00	\$401.94	\$2,513.94
24-205-520-0011-00	1327 MONTGOMERY A	RUEGSEGGER CURTI	1327 MONTGOMERY	MUSKEGON	MI	49441	\$427.20	\$0.00	\$427.20
24-205-520-0012-00	1321 MONTGOMERY A	KISON LOUIS	1321 MONTGOMERY	MUSKEGON	MI	49441	\$1,660.80	\$0.00	\$1,660.80
24-205-499-0008-00	1296 W DALE AVE	WARDIE CAMERON B	1296 W DALE AVE	MUSKEGON	MI	49441-2	\$307.20	\$0.00	\$307.20
24-205-499-0007-00	1293 MONTGOMERY A	VALLIERE LINDSAY K/	1293 MONTGOMERY	MUSKEGON	MI	49441	\$2,620.80	\$0.00	\$2,620.80
24-205-499-0006-00	1291 MONTGOMERY A	SPINNERETTE ENTER	514 GRANT	GRAND HAVEN	MI	49417-0	\$3,520.00	\$0.00	\$3,520.00
24-205-499-0005-10	1267 W FOREST AVE	ROY JAN	1267 W FOREST AVE	MUSKEGON	MI	49441	\$1,376.00	\$0.00	\$1,376.00
24-205-494-0005-00	1243 MONTGOMERY A	BOSSE WILLIAM P/JO	1243 MONTGOMERY	MUSKEGON	MI	49441	\$3,104.00	1,802.25	\$4,906.25
24-205-494-0005-01	1237 MONTGOMERY A	SUALEONE JAY/NICO	1237 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-494-0005-02	1233 MONTGOMERY A	REED LORI GUNDY	1233 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-494-0005-03	1229 MONTGOMERY A	HODGES EDWIN JR	1229 MONTGOMERY	MUSKEGON	MI	49441	\$1,600.00	\$0.00	\$1,600.00
24-205-494-0005-04	1565 DAVIS ST	MERWIN DAVID B	1565 DAVIS ST	MUSKEGON	MI	49441	\$1,336.00	\$0.00	\$1,336.00

MONTGOMERY ST., LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	DR APP		TOTAL
				PAVING	/ SW	
TOTALS				\$87,616.00	\$3,348.99	\$90,964.99

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

 1/26/07
 LARRY MILLARD, DIRECTOR, COUNTY EQUALIZATION DATE

 2-1-07
 LAWRECE SPATARO CITY COMMISSIONER DATE

 2-5-07
 STEPHEN GAWRON CITY COMMISSIONER DATE

Date: January 23, 2007

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Special Assessment District for Knollwood Ct.

SUMMARY OF REQUEST:

Assign two city commissioners to evaluate the creation of a benefit based special assessment district on Kollwood Ct. from Beach Street to the southerly end rather than a frontage one.

Due to the unusual circumstances prompted by the lots configuration along Knollwood, the County's equalization office feels that the benefits gained by the abutting lots is equal among all thirteen (13) parcels and therefore should not be a frontage based as called for in the special assessment policy. A benefit based assessment district, if approved, will result in an assessment amount exceeding that of a frontage based one against some of the thirteen (13) lots within the proposed district.

The two assigned commissioners would form a board along with the City's assessor as called for in chapter XIII, Sec. 7 of the City's Charter.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None

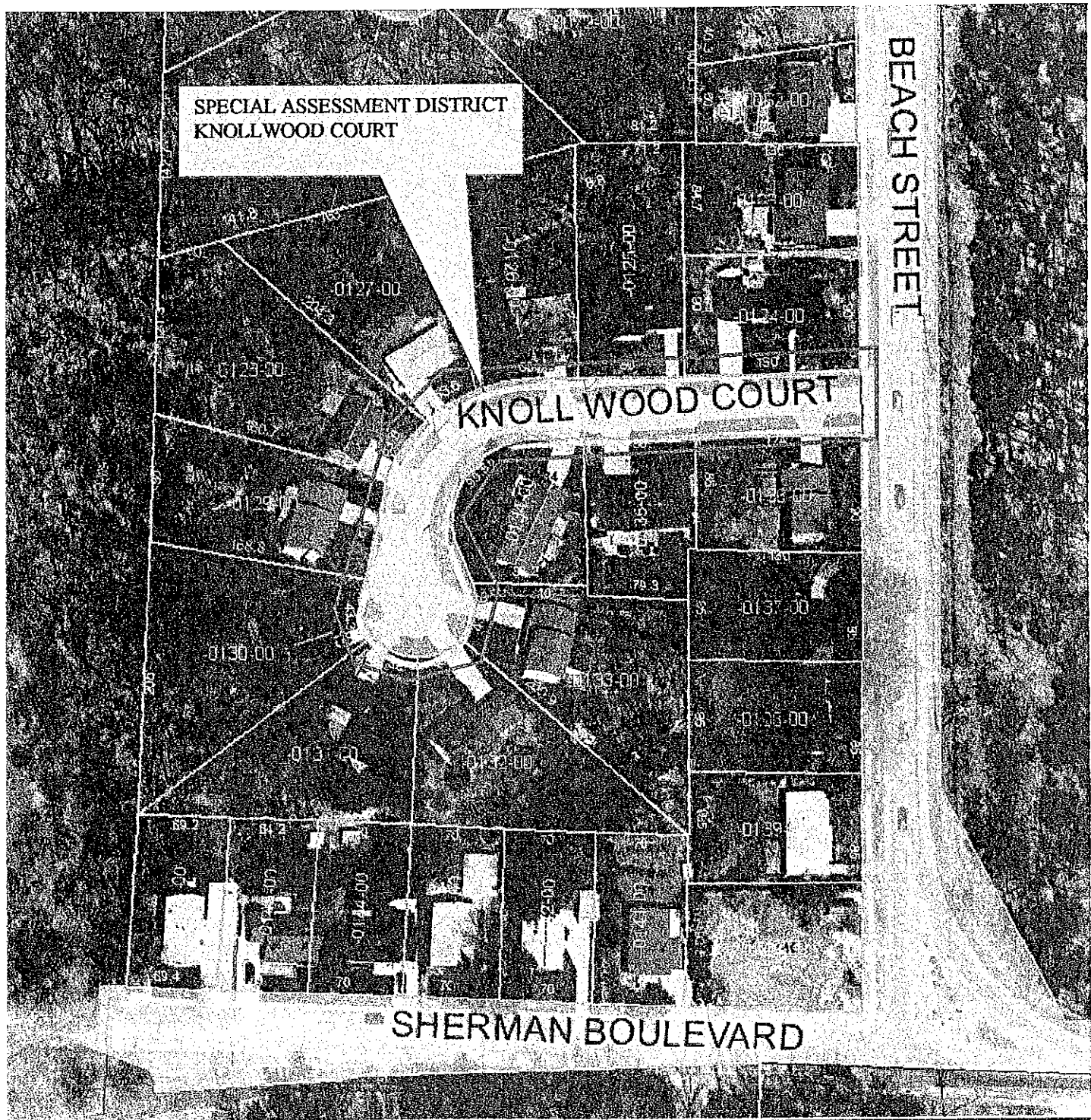
STAFF RECOMMENDATION:

Appoint two City Commissioners to the board.

COMMITTEE RECOMMENDATION:

Benefit Analysis for the Knollwood Court Reconstruction Project
H-1625

2001 AERIAL PHOTOGRAPH WITH TAX MAP OVERLAY
OF ASSESSMENT DISTRICT



MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

James J. Derezinski
Chair, District 4

I. John Snider II
Vice Chair, District 3

P. Don Aley
District 7

Charles L. Buzzell
District 2

Marvin R. Engle
District 5

Bill Gill
District 8

Louis A. McMurray
District 9

Robert Scolnik
District 11

Roger C. Wade
District 10

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

January 11, 2007

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Knollwood Court, Beach Street to end. 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 11, 2007.

In determining the footage assessable to each property, an equivalent linear footage method was used based on the premise that each parcel in the district is a single family home site all sharing an equal benefit. Simply stated, the project does not enhance the value of any one parcel more than another. Therefore, using 988 feet of total assessable footage for the project to be spread among 13 parcels in the district equates to a 76 equivalent linear foot benefit per parcel (988 feet / 13 parcels). Utilizing this calculation method, it is my opinion that the special assessment amounts justly and reasonably represent 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. 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 \$36.73. These conclusions are based upon the data presented within this limited analysis in restricted format and on supporting information in my files.

Sincerely,



Jerry A. Groeneveld

Senior Appraiser

DATE: January 12, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060394(Garage)

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 1614 Elwood (Garage Only) Area 13 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-060394 Elwood (Garage Only)

Location and ownership: This structure is located on Elwood between E. Dale and E. Forest Streets and is owned by Marion Barringer, 1614 Elwood St. Muskegon, MI 49442

Staff Correspondence: A dangerous building inspection was conducted on 08/31/06 and the Notice and Order to Repair was issued on 10/20/06. On 11/02/06 the HBA declared the garage to be dangerous, substandard and a public nuisance.

Owner Contact: No one was present to represent case at HBA meeting dated 11/02/06. There have been no permits issued nor any owner contact.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 16,800 Entire Property

Estimated cost to repair: \$ 1,500 (Garage Only)

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

INSPECTION SUMMARY
1614 ELWOOD (GARAGE)

A 400 square ft wood frame garage. The siding is rotted and missing in places near the lower portion of building. The roofing material has deteriorated to the point of exposing the wooden sheeting and framing members to the weather.

CITY OF MUSKEGON

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

DANGEROUS BUILDING INSPECTION REPORT

Monday, September 11, 2006

Enforcement # EN060394
Parcel #24-185-100-0002-00

Property Address 1614 ELWOOD ST
Owner BARRINGER MARION

Inspector: Henry Faltinowski

Date completed: 08/31/2006

DEFICENCIES:

Uncorrected

1. Roof covering failing missing roof covering, exposed wood sheathing.
2. Scrape and paint exterior.
3. Replace missing - rotted siding.

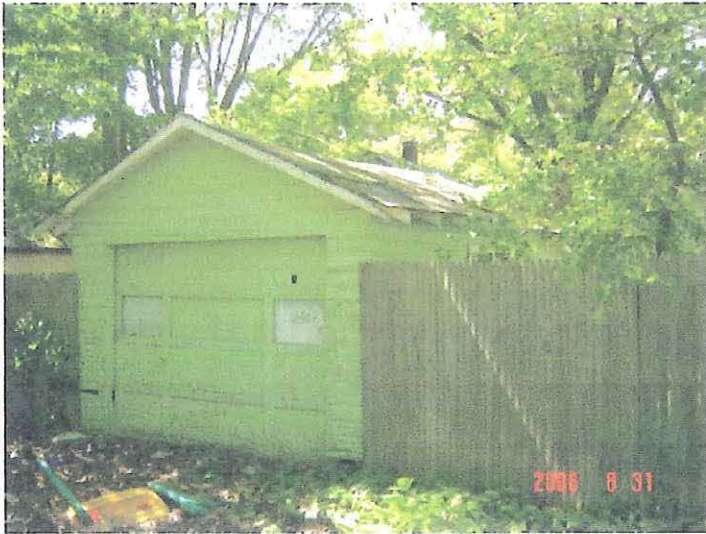
Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

Henry Faltinowski, Building Inspector

Date

D.B.
1614 Elwood GARAGE.



9/18/2006



9/18/2006



9/18/2006

DATE: January 12, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050112

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 244 Monroe – Area 10 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-050112 – 244 Monroe

Location and ownership: This structure is located on Monroe between Fourth and Fifth Streets and is owned by Amanda Mason on Land Contract with Brian/Gretchen Foster, 3232 McMillan Rd, Twin Lake, MI 49457.

Staff Correspondence: A dangerous building inspection was conducted on 09/21/05. The Notice and Order to Repair was issued on 09/27/05. On 11/03/05 the HBA tabled case until January 2006 to allow owner to obtain appropriate permits, provide timeline for repairs and schedule inspections. The HBA on 11/02/06 declared the structure dangerous, substandard and a public nuisance.

Owner Contact: Amanda Mason and Brian Foster were present to represent case at the HBA meeting dated 11/02/05, Ms Mason stating she was seeking help thru CAAP to repair the roof and the Health Department to repair siding due to lead testing. Ms Mason later notified Inspections that CAAP had run out of funds and she then sought help thru Community Neighborhood Services which replaced the roof 02/24/06. The case came back before the HBA 11/03/06 because project appeared to have been abandoned. Notices have been returned unclaimed and property is vacant.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$15,500

Estimated cost to repair: \$7,000

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

INSPECTION SUMMARY
244 MONROE

A two story wood frame single family structure and detached garage. Garage roof appears to be in a state of structural failure with bowing extremely evident. The dwelling received a new roof and new furnace approximately one year ago. The building has been abandoned by the current property owner. The front porch has been removed and large portions of building have damaged or missing siding.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Tuesday, September 27, 2005

Enforcement # EN050112 **Property Address** 244 MONROE AVE
Parcel #24-205-367-0009-10 **Owner** MASON AMANDA

Inspector:

Date completed: 09/21/2005

DEFICIENCIES:

Uncorrected

1. Roof covering failing - replace coverings. Tarp on roof 3 months.
2. Replace all damaged sheathing on roof.
3. Provide permits and inspection on window opeings - complete proper window installations - comply with MRC 2003.

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

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

Henry Faltinowski, Building Inspector

Date

244 New York 10/30/2006



DATE: January 12, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060322

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 **1145 Aurora(Garage)** –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-060322-1145 Aurora (Garage)

Location and ownership: This structure is located on Aurora between Vulcan and Huizenga and is owned by Elaine R. Vander Wall, 1145 Aurora, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 07/18/06. The Notice and Order to Repair was issued on 07/27/06. On 10/05/06 the HBA declared the structure substandard and dangerous.

Owner Contact: Owner was present at the HBA meeting dated 10/05/06 with attorney stating she was suing the insurance company regarding termination of coverage after tree fell on roof of garage. No permits have been issued and no contact since that time.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$21,800 (Entire Property)

Estimated cost to repair: \$2,500 (Garage Only)

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

INSPECTION SUMMARY
1145 AURORA(GARAGE)

A 500 foot wood frame garage. Roof of structure heavily damaged by falling tree. The interior of this building has been exposed to the weather for over 1 year.

CITY OF MUSKEGON

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

DANGEROUS BUILDING INSPECTION REPORT

Tuesday, July 18, 2006

Enforcement # EN060322 **Property Address** 1145 AURORA AVE
Parcel #24-280-000-0019-00 **Owner** VANDERWALL R ELAINE

Inspector: Henry Faltinowski

Date completed: 07/18/2006

DEFICENCIES (GARAGE ONLY)

Uncorrected

- 1. SECTION OF ROOF ON GARAGE COLLAPSED.**
- 2. REBUILD TO CODE MRC 2003**

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

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

Henry Faltinowski, Building Inspector

Date

1145 Aurora
7/14/2006



2006 7 14

DATE: January 12, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060380

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 **758 Orchard – Area 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-060380 – 758 Orchard

Location and ownership: This structure is located on Orchard between Kenneth and Getty St and is owned by Paul Vickers 145-37 232nd, Apt 2B, Rosedale, NY 11413

Staff Correspondence: A dangerous building inspection was conducted on 08/25/06. The Notice and Order to Repair was issued on 08/31/06. The HBA on 11/02/06 declared the structure dangerous, substandard and a public nuisance.

Owner Contact: Ciggzree Morris was present at HBA meeting dated 11/02/06 to represent owner. Ms Morris stated the unpaid taxes were high and said owner was trying to work with bank to do a short sale but as of that date had not been put on market yet. Neighbors were present representing the neighborhood stating kids had been playing in and out the structure and that it poses a hazard and was a eyesore.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$18,800

Estimated cost to repair: \$8,000

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

INSPECTION SUMMARY
758 ORCHARD

A two story single family wood structure. This building is vacant and has received numerous complaints from the neighbors. This building is currently boarded up and would require exterior repairs to be a habitable structure again.

CITY OF MUSKEGON

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

DANGEROUS BUILDING INSPECTION REPORT

Thursday, August 31, 2006

Enforcement # EN060380 **Property Address** 758 ORCHARD AVE
Parcel #24-205-050-0002-20 **Owner** VICKERS PAUL D

Inspector: Henry Faltinowski

Date completed: 08/25/2006

DEFICIENCIES:

Uncorrected

1. Side porch structually failing -foundation bowing in and columns failing, remove or rebuild to code.
2. Replace roof covering on home deteriorated, rotting out fascia and soffitt
3. Broken out back porch door and windows.
4. Scrape and paint home. Missing rotted siding.
5. Numerous broken out windows.

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

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

Henry Faltinowski, Building Inspector

Date

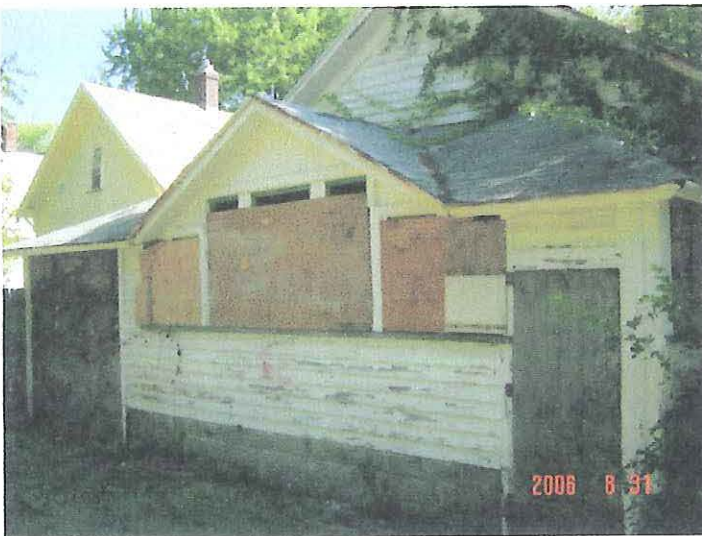
P.E 758 Orchard.



9/6/2006



9/6/2006



9/6/2006



9/6/2006



City of Muskegon Request for Special Event/Special Alcohol License

Fee Schedule: \$50.00 administrative fee must accompany each request submitted prior to 60 days before the event

\$150.00 fee for applications submitted 59-45 days prior to the event

\$250.00 fee for applications submitted 44-30 days prior to the event

\$450.00 fee for applications submitted 29 days or less prior to the event

**First time events will pay only the \$50 fee.

Failure to apply sixty days prior to event is cause to deny the request.

Please fill out this form and return to the Department of Leisure Services, P.O. Box 0536, 933 Terrace St., Muskegon, MI 49443-0536. Telephone: (231) 724-6704 (Fax) (231) 724-1196

Applicant Organization Jaycee's of Muskegon / Racquets Downtown grill

Contact Person Matt Acker

Address 496 W Western Ave. City Muskegon State MI Zip 49440

Daytime Phone 726-7007 Alt. Contact # 728 4164

Special Event Title Jaycee's Snowfest.

Description of Event Beverage tent / Snow volleyball

Location of Event Western Ave - Bet. 3rd & 4th St.

Reason for Event Fundraiser.

Date(s) of Event Feb 1, 2, 3, 2007

Hours of the Event

Thur	Feb 1	7p-11p
Fri.	Feb 2	5p-11p
Sat	Feb 3	9A-2p; 3p-11p

Anticipated crowd size 400 ppl/night

Will Alcohol be served ☒ Yes ☐ No

*For all alcohol related events, the applicant will provide a system of checking I.D to prohibit underage drinking. (item b, Special event policy) Hours of operation shall be posted in the beverage serving area. For alcohol events, the applicant shall agree to stop selling drink tickets at 10:30 p.m. and stop pouring beverages at 11:00 p.m., and have the area cleared by 11:30 p.m. (Special Event policy, e, f)

How will I.D. check be handled?

Crowd Control Security & Bartenders/Servers

The applicant shall provide evidence and certification that the organization shall at all times have person's pouring beer or selling beverages that have received alcohol awareness training at every serving station. (The applicant shall provide evidence and certification to the City that all persons pouring beer or selling beverages have received alcohol awareness training.) Checking for underage drinking and over consumption of patrons is the responsibility of the sponsoring group, not the police. (Special event policy, item g, h)

Will City Streets or Sidewalks be used? ☒ Yes ☐ No

If yes-Do they need to be closed? ☒ Yes ☐ No

1/2 Street Thur, Fri, Sat.
whole Street Sat (volleyball).

ame of Insurance Company Madge Ins. Co.
olicy number CC 103-25796

** Where the event is being held on City-owned or controlled property the applicant shall provide an amount of insurance as set by the City for liquor liability and general liability insurance, naming the City as an additional insured. An acceptable certificate of insurance must be submitted prior to approval.

Regulations of the license/permit:

1. All rules and regulations of the City of Muskegon Special Events/Special Alcohol Policy shall be complied with. The final authority for signing the special liquor licenses, however, remains with the Police Chief.
2. All City of Muskegon Ordinances shall be complied with.
3. The licensee will save the City of Muskegon harmless from all claims.
4. A proof of liability insurance in the amount of \$_____ is required. A copy of the Certificate of Insurance naming the City of Muskegon as additional insured is required before the permit can be approved.
5. Special requirements as follows: _____

With my signature, I certify that I have read and understand the regulation of this license/permit. I also understand that City staff may require a meeting with applicant organization to help clarify the requests for services. Failure to attend the meeting could result in the denial of the request.

Math Ocker 11/30/06
Signature of Applicant Date

[Signature] 1/18/07
Director of Leisure Services Date

Date Received in Office 12/18/06 Entered Inackerberg
Staff Signature

10-16-03

APPROVED
[Signature]



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Phone (517) 322-1400 ~ FAX (517) 322 -6137

APPLICATION FOR TEMPORARY AUTHORIZATION

(Authorized by R436.1023 (2)(3), R436.1403 (2), R436.1407 and R436.1419 of the M.A.C.)

PART I: COMPLETE ALL INFORMATION IN THIS SECTION

Name: Pinnacle Downtown Properties, LLC
Downtown Grill

DBA: Racquets

Business Address: 446 W. Western, Muskegon, Muskegon 49440
City or Village Township, if applicable County Zip Code

Type of License and Number: Business Phone (include area code): 231-726-4007

THIS APPLICATION MUST BE SIGNED BY YOUR LOCAL LAW ENFORCEMENT AGENCY (see below)

PART II: DESCRIBE TYPE OF EVENT BEING HELD. This information is required to process the application.

APPLICATION MUST BE RECEIVED AT LEAST 10 DAYS PRIOR TO THE DATE THE EVENT IS BEING HELD OR THERE MAY NOT BE SUFFICIENT TIME FOR COMMISSION REVIEW AND CONSIDERATION.

PART III: CHECK TYPES OF AUTHORIZATION REQUESTED AND ANSWER QUESTIONS

☒ **Temporary Official Permit** (Check type below) Dates Requested: 2-1,2-2,2-3, 2007

Hours: AM to 7:00 AM Mon. through Sat., 2:30 AM to Mon. through Sat. or AM to Noon on Sun.
(Serving alcohol hours are until 2 AM each night and not before 12 noon on Sundays – except holidays.)

- ☐ Food Do you operate a full service kitchen and serve full course meals? ☐ Yes ☐ No If no, explain
- ☐ Bowling Do you operate the bowling alley? ☐ Yes ☐ No If no, explain
- ☐ Golf Do you operate the golf course? ☐ Yes ☐ No If no, explain
- ☐ Billiards ☐ Miscellaneous, Please describe and explain

☒ **Temporary Outdoor Service** * OR ☐ **Temporary Added Space** Dates Requested:

Please enclose a diagram showing proposed outdoor service or added space area, existing licensed premises, any streets and all dimensions requested below.

1. Is proposed outdoor service area or added space area directly adjacent to licensed premises? ☒ Yes ☐ No

If NO, how far from licensed premises? _____ feet.

2. Are there any dedicated streets within proposed outdoor service or added space area or any intervening property between the licensed building and outdoor service or added space area? ☐ Yes ☒ No If yes, explain and include on diagram.

3. Is all of proposed outdoor service or added space area in the same governmental unit as licensed premises? ☒ Yes
☐ No If NO, please explain _____.

4. Is proposed outdoor service or added space area or any intervening property owned, leased or rented by licensee?
☐ Yes ☒ No If no, a lease must be provided with this request. If the outdoor service or added space area will be located on city, village or township property, the governmental unit must first approve this application. *

5. Will there be table service only? ☐ Yes ☒ No If No, check "Add Bar" below

6. What are the dimensions of the proposed outdoor service or added space area? 40 feet X 80 feet

7. How will the outdoor service or added space area be enclosed? **There must be a barrier that clearly marks the area.**
What type of barrier will be used? **Tented area monitored by security staff**
What is the HEIGHT of the barrier?

8. What kind of security will be provided? **Licensed & Bonded Security Contractor**

☒ **Temporary Add Bar** Cost is \$350.00 Dates Requested:

☒ **Temporary Dance** Dates Requested:

1. Dance floor must be a minimum of 100 square feet and clearly marked. 2. Please attach a diagram.

☒ **Temporary Entertainment** OR ☐ **Temporary Topless Activity *** Dates Requested:

1. Describe the type of entertainment you will provide. **Live band from 8pm to 11pm on 2-1, 2-2, and 2-3, 2007**

2. Describe what areas will be used as dressing rooms if needed. **None**

PUBLIC RESTROOMS AND KITCHENS MAY NOT BE USED AS DRESSING ROOMS.

3. If the entertainment includes a contest with prizes totaling over \$250 in value, questions A-E must be answered:

A. Explain in detail how the contest will work. *Please attach another page if needed.*

NONE

B. Describe and state the retail value of each prize to be awarded.

NONE

C. Who will be paying for and supplying the prizes?

NONE

D. Will there be any alcoholic beverage items with a brand name logo used as prizes or part of the contest? ☐ Yes ☒ No

E. Is there a cover charge or entrance fee for the contest or tournament? ☐ Yes ☒ No

If Yes, explain.

IMPORTANT: No alcoholic beverages may be used as part of any contest or as a prize for any contest!
No licensee may receive anything of value from another licensee without prior Commission approval (Rule 436.1035)

THE LICENSEE, AN AUTHORIZED CORPORATE OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY MUST SIGN THIS APPLICATION.

Signature Matthew W. O'Brien Title General Manager Date 1/17/07

THE POLICE CHIEF OR SHERIFF WHO HAS JURISDICTION RECOMMENDS THIS REQUEST.

Date 1-19-07

J. L. Kelen
Police Chief or Sheriff Signature

980 JERRESON

Street Address

MUSKEGON, MI 49440

City & Zip Code

(231) 724-6955

Area Code and Phone Number

***IF REQUESTING TEMPORARY TOPLESS ACTIVITY OR THE TEMPORARY OUTDOOR SERVICE AREA IS LOCATED ON CITY, VILLAGE OR TOWNSHIP PROPERTY, THIS APPLICATION MUST BE SIGNED BY THE CLERK.**

This request was approved by the City Commission On January 23, 2007
City, Village Council or Township Board Date

Linda Potter
City, Village, Township Clerk Signature
933 Terrace

Street Address

Muskegon, MI 49440

City & Zip Code

(231) 724-6705

Phone Number

LC-146 Attachment: Diagram of Proposed Temporary Outdoor Service

12. Property Layout

