

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 22, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Community Relations Committee Appointment. CITY CLERK
 - c. Funding for Storm Water Phase II Permit Application. PUBLIC WORKS
 - d. High Service Pump #2 Rebuild – Additional Repairs. WATER FILTRATION PLANT
 - e. Creation of HDC Study Committee. PLANNING & ECONOMIC DEVELOPMENT
- ❑ PUBLIC HEARINGS:
 - a. Spreading of the Special Assessment Roll on Watson, Rodgers & Nelson ENGINEERING
 - b. Create Special Assessment District for Roberts Street from Keating to Laketon ENGINEERING
 - c. Create a Special Assessment District for Black Creek Road, Sherman to Latimer. ENGINEERING
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
 - a. Extension of Construction Time Period – Purchase Agreement/Former Lakos Property (Muskegon Hospitality, Inc./City of Muskegon. PLANNING & ECONOMIC DEVELOPMENT

b. Fisherman's Landing RFP LEISURE SERVICES

❑ NEW BUSINESS:

a. FIRST READING: Rezoning Request for Property Located near Bayou, Butler and Wood Street. PLANNING & ECONOMIC DEVELOPMENT

b. Seasonal & Temporary Services Provider. CIVIL SERVICE

c. Consideration of Bids – Building Demo. For Shoreline Drive East, ENGINEERING

d. Concurrence with Housing Board of Appeals Notice and Order to Demolish the following: INSPECTION SERVICES

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

❑ CLOSED SESSION: Labor Negotiations

➤ *Reminder: Individuals who would like to address the City Commission shall do the following:*

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

➤ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ ADJOURNMENT:

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

Date: January 22, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Orientation that was held on Monday, January 7, 2002; and the Regular Commission Meeting that was held on Tuesday, January 8, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 22, 2002

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 5:30pm, Tuesday, January 22, 2002.

Mayor Warmington opened the meeting by introducing Reverend Jerry DePoy from Bible Baptist Temple, who offered the prayer, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Stephen Warmington, Vice-Mayor Karen Buie, Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd, Lawrence Spataro; City Manager Bryon Mazade; City Attorney Thomas Johnson and City Clerk Gail Kunding.

2002-09 CONSENT AGENDA

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Orientation that was held on Monday, January 7, 2002; and the Regular Commission Meeting that was held on Tuesday, January 8, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Community Relation Appointments. CITY CLERK

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding appointments. The Community Relations Committee held a meeting on January 14, 2002, to review the applications presented for each of the various committees and boards.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the appointments.

c. Funding for Storm Water Phase II Permit Application. PUBLIC

WORKS

SUMMARY OF REQUEST: The Muskegon Area Municipal Storm Water Policy Committee, which represents all the municipalities affected by the NPDES Storm Water Phase II Voluntary Permit requirements, has approved a proposal by its consultant, Fishbeck, Thompson, Carr and Huber, to draft permit application for all the municipalities. The total cost of this project will be \$78,000. Costs were spread to all the municipalities and Muskegon County based on population, total land area, urbanized area, population in urbanized area and a community benefit factor. The City of Muskegon's share of this cost is \$14,960.

FINANCIAL IMPACT: \$14,960

STAFF RECOMMENDATION: To approve this expense.

d. High Service Pump #2 Rebuild – Additional repairs. WATER FILTRATION PLANT

SUMMARY OF REQUEST: To authorize necessary additional repairs to High Service Pump #2.

FINANCIAL IMPACT: Repair costs of \$8,970.00 in addition to the original agreements of \$31,824.99.

BUDGET ACTION REQUIRED: This is an unplanned expense and will require an internal budget transfer from another line item.

STAFF RECOMMENDATION: To authorize payment to the contractor for the additional repairs in conjunction to the original rebuild project at a cost of \$8,970.00.

e. Creation of HDC Study Committee. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Westwood Group is interested in establishing an historic district for the Boiler Works building and its vicinity in order to avail the State's historic preservation tax credit program. For a new historic district establishment, the state statute requires that the City Commission appoint a study committee to conduct all necessary research and reports. The committee shall contain a majority of persons who have knowledge or interest in historic preservation, and shall contain representation from an organized local historic preservation organization. The request is to appoint a study committee mainly to determine whether the Boiler Works should be designated as a historic district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends to appoint the following persons, namely: Jon Colburn and Dan Chambers. Additional persons with knowledge in historic preservation will also be recruited to serve in the study committee.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the Consent Agenda.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron.

Nays: None

MOTION PASSED

2002-10 PUBLIC HEARINGS:

a. Spreading of the Special Assessment Roll on Watson, Rodgers & Nelson. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment roll for Watson, Rodgers & Nelson, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$80,102.59 would be spread against the twenty-three (23) 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 5:37 p.m. to hear and consider any comments from the public. There were no comments given from the public.

Motion by Commissioner Schweifler, second by Commissioner Larson to close Public Hearing at 5:40 p.m. and approve the spreading of the Special Assessment Roll on Watson, Rodgers & Nelson.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson.

Nays: None

MOTION PASSED

b. Create Special Assessment District for Roberts Street from Keating to Laketon. ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The public hearing opened at 5:40 p.m. to hear and consider any comments from the public. There were no comments given from the public.

Motion by Commissioner Spataro, second by Vice Mayor Buie to close Public Hearing at 5:42 p.m. and create Special Assessment District for Roberts Street from Keating to Laketon.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler.

Nays: None

MOTION PASSED

c. Create Special Assessment District for Black Creek Road, Sherman to Latimer. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Black Creek Rd., Sherman to Latimer, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The public hearing opened at 5:43 p.m. to hear and consider any comments from the public. Public comments in opposition made by Bruce Peltier, 2241 Black Creek Rd and Jim Duncan, 2300 Black Creek Rd.

Motion by Commissioner Spataro, second by Commissioner Schweifler to close Public Hearing at 6:02 on the proposed special assessment of Black Creek Rd., Sherman to Latimer, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors by adopting the resolution.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd.

Nays: None

MOTION PASSED

Motion by Commissioner Spataro, second by Commissioner Schweifler to table proposed special assessment of Black Creek Rd., Sherman to Latimer until next regular meeting.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro.

Nays: None

MOTION PASSED

2002-11 UNFINISHED BUSINESS:

a. Extension of Construction Time Period - Purchase Agreement/Former Lakos Property (Muskegon Hospitality, Inc./City of Muskegon). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the written request from Holiday Inn Muskegon Harbor/Muskegon Hospitality Inc. to extend the construction time period designated in the Purchase Agreement between Muskegon Hospitality, Inc. and the City of Muskegon for the former Lakos property, with conditions. The conditions are included in the Amendment Agreement, and include an extension of three years, at the inclusion of which a new building will be constructed on the site. Conditions include the requirement that a paved, landscaped parking lot will be constructed on the site in the interim. If the parking lot is not constructed, in accordance with requirements of the Engineering and Planning Departments, by May 31, 2002, the

original staff recommendation of January 8, 2002 will be in effect.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Schweifler, second by Commissioner Larson to approve the written request from Holiday Inn Muskegon Harbor/Muskegon Hospitality Inc. to extend the construction time period designated in the Purchase Agreement between Muskegon Hospitality, Inc. and the City of Muskegon for the former Lakos property, with conditions.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington.

Nays: None

MOTION PASSED

b. Fisherman's Landing RFP. LEISURE SERVICES

SUMMARY OF REQUEST: To direct staff as to which proposal, if either, to pursue for the use of Fisherman's Landing.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: See attached

COMMITTEE RECOMMENDATION: The Leisure Services Board recommended that to delay action for 30 days to allow both parties to work out an agreement, but to work with Great Lakes to determine what an equal swap may be during that time.

The public hearing opened at 6:13 p.m. to hear and consider any comments from the public. Public comments were heard from Chris Kelly (6:18), Mr. Burns (6:27), Dave Wendtland (6:44), Wayne Grossbeck (6:56), Skeeter Warner (7:01) (Charlevoix survey passed out), Debra Hawkins (7:01), Don Zutter (7:31), Jack Harrington (7:35), Greg Wagner (7:37), Thomas Hamilton (7:39), William Barefoot (7:43), and Joan Benedict (7:47). A recess was given at 7:19 and reconvened at 7:31.

Motion by Commissioner Spataro, second by Commissioner Schweifler to adopt in principal the proposal submitted by Great Lakes to relocate Fisherman's Landing and to present a Development Agreement to the Commission in 90 days.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Spataro, Warmington, Buie.

Nays: Shepherd

MOTION PASSED

2002-12 NEW BUSINESS:

a. FIRST READING: Rezoning Request for Property Located near Bayou, Butler and Wood Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by Donald and Sherry Lou Balcom, located near Bayou, Butler and Wood Streets, from RT, Two-Family Residential and B-4, General Business to Rm-1, Low Density Multiple-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at the 1/10 meeting. The vote was unanimous.

Motion by Commissioner Shephard, second by Vice Mayor Buie to approve the request to rezone property owned by Donald and Sherry Lou Balcom, located near Bayou, Butler and Wood Streets, from RT, Two-Family Residential and B-4, General Business to Rm-1, Low Density Multiple-Family Residential.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron.

Nays: None

MOTION PASSED

b. Seasonal & Temporary Services Provider. CIVIL SERVICE

SUMMARY OF REQUEST: Approval of provider contract for seasonal and temporary employment services. RFP solicitation resulted in three proposals, which were due December 4, 2001. Proposals were received from: Kelly Services, Inc., 17088 Robbins Rd., Suite B, Grand Haven MI 49417; Manpower, 20 West Muskegon Ave., Muskegon, MI 49440-1317; Wise Services Inc., 600 Beacon Blvd., Suite C, Grand Haven, MI 49417. A committee consisting of managers and users reviewed proposals and interviewed bidder representatives. While Kelly Services was the low bidder, the decision to select Kelly Services was not made exclusively on that factor. Overall, Kelly Services presented the most desirable package in terms of flexibility, responsiveness, hiring and orientation process, references, and commitment to equal employment opportunity.

FINANCIAL IMPACT: Seasonal and temporary services are projected to cost approximately \$550,000 during 2002.

BUDGET ACTION REQUIRED: Financial resources are allocated in the 2002 budget.

STAFF RECOMMENDATION: Staff recommends adopting the committee's decision to award the seasonal and temporary services contract to Kelly Services, Inc.

COMMITTEE RECOMMENDATION: The committee is recommending Kelly Services, Inc. be awarded the contract.

Motioned by Commissioner Schweifler, second by Commissioner Gawron to approve provider contract for seasonal and temporary employment services to Kelly Services.

ROLL VOTE: Ayes: Schweifler, Spataro, Warmington. Buie, Gawron Larson.

Nays: Shepherd

MOTION PASSES

c. Consideration of Bids – Building Demo. For Shoreline Drive East. ENGINEERING

SUMMARY OF REQUEST: The contract to demolish five structures at the following locations to H & M Demolition Companies out of Holland; Rag & Metal (10 W. Western), Captain Hook (685 Ottawa), Arts Mall (634 Ottawa), and Plasma Center (701 Cedar). H & M were the lowest responsive and responsible bidder with a bid price of \$51,250.

FINANCIAL IMPACT: The demolishing cost of \$51,250.

BUDGET ACTION REQUIRED: The cost will be from the budgeted amount for Shoreline Dr.

STAFF RECOMMENDATION: Award the contract to H & M Demolition Companies.

Motion by Commissioner Spataro, second by Commissioner Schweifler to award the contract for the demolition of 5 structures to H&M Demolition Co..

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler.

Nays: None

MOTION PASSES

d. Concurrence with Housing Board of Appeals Notice and Order to Demolish the following: INSPECTION SERVICES

1. 432 Monroe & 1878 Smith

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structures located at 432 Monroe and 1878 Smith are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of these 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: CDBG

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Buie to concur with the Housing Board of appeals decision to demolish houses at 432 Monroe and 1878 Smith.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler Shepherd.

Nays: None

MOTION PASSES

2002-13 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Schweifler, second by Commissioner Spataro to go into closed session at 9:04 pm.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro.

Nays: None

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Spataro to return to open session at 9:16 p.m.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington.

Nays: None

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Shepherd to accept Attorney's recommendation on item one (1).

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie.

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Vice Mayor Buie to accept Attorney's recommendation on item two (2).

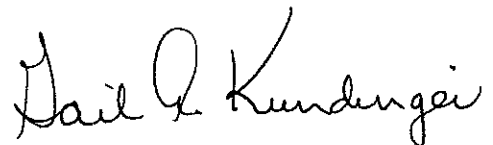
ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron.

Nays: None

MOTION PASSES

ADJOURNMENT: The Regular commission meeting for the city of Muskegon was adjourned at 9:18 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail A. Kunderger".

Gail A. Kunderger, CMC/AEE
City Clerk

Date: January 15, 2002
To: Honorable Mayor and City Commission
From: Community Relations Committee
RE: Appointments to Various Committees/Boards

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding appointments. The Community Relations Committee held a meeting held on January 14, 2002, to review the applications presented for each of the various committees and boards.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the appointments.

COMMUNITY RELATIONS APPOINTMENTS

Board of Canvassers

John Bronsema (Republican) - Reappointed
Charles Nelson (Republican) - Reappointed
Leola Chambers (Democrat) - Reappointed
Katrina Gordon (Democrat) - Fill Vacancy (Joanie Wallace)

Board of Review

Luther Dease - Reappointed
Lawrence DeVoogd - Reappointed
Donald Haas - Reappointed
Jack Rottman - Reappointed

Cemetery Committee

Robert Vanderlaan - Reappointed

Citizen's Police Review Board

John Barrett - Reappointed
Ben Garza - Reappointed
Marianne Harris-Darnell - Reappointed
Bradley Young - Reappointed

City Employees' Pension Board

Art Rudd - Reappointed

Community Development Block Grant-Citizen's District Council

James Dalum - Reappointed
G. Ellouise Hieftje - Reappointed
Susan Kroes - Reappointed
Catherine Maybanks - Reappointed
Patricia Montney - Reappointed

Election Committee

Charles Nelson - Reappointed

Equal Opportunity Committee

Laura Rowan - Reappointed

Historic District Commission

Daniel Chambers - Reappointed (Residency in the District)
Wanda Matsey - At Large Position
Jackie Hilt - To Fill Position (Member of Preservation Society)

Hospital Finance Authority

Bess Commodore - Reappointed
George Sculley - Reappointed

Housing Code Board of Appeals

Nick Kroes - Reappointed
Jonathan Rolewicz - To Fill Vacancy

Housing Commission

Tommie Dennie - Reappointed (Recommendation of Manager)

Land Reutilization Committee

Michael Bernhardt (Contractor) - Reappointed
Tommie Watson (At-Large Position) - To Fill Vacancy (Linda Engle)

Leisure Services Board

Chris Jensen - Reappointed
John Strach, Jr. - Reappointed

Loan Advisory Board

Jay Wallace - Reappointed

Planning Commission

John Aslakson - Replace Diana Coleman
Peter Satorius - Reappointed
Blanche Smith - Reappointed
Joan Stewart - Fill Vacancy Left By Lisa Abraham

Zoning Board of Appeals

Jane Clingman-Scott - Fill Vacancy Left By Bill Larson
Daniel Narowitz - Reappointed
Steve Schiller - Reappointed
David Newsome - Replace Rosaline Smith

Date: January 22, 2002
To: Honorable Mayor and City Commissioners
From: Ken Meyer, Deputy DPW Director
RE: Funding for Storm Water Phase II Permit Application

SUMMARY OF REQUEST:

The Muskegon Area Municipal Storm Water Policy Committee, which represents all the municipalities affected by the NPDES Storm Water Phase II Voluntary Permit requirements, has approved a proposal by its consultant, Fishbeck, Thompson, Carr and Huber, to draft permit applications for all the municipalities. The total cost of this project will be \$78,000. Costs were spread to all the municipalities and Muskegon County based on population, total land area, urbanized area, population in urbanized area and a community benefit factor. The City of Muskegon's share of this cost is \$14,960.

FINANCIAL IMPACT:

\$14,960.

BUDGET ACTION REQUIRED:

The expense to be covered by the Storm Water Management Budget.

STAFF RECOMMENDATION:

To approve this expense.

COMMITTEE RECOMMENDATION:

Memo

To: Ken Meyer, Deputy Public Works Director

From: Bob Fountain, Special Operations Supervisor

CC: Bob Kuhn, Public Works Director

Date: 1/15/2002

Re: Appropriation for NPDES Phase II Storm Water Voluntary Permit Application

The Muskegon Area Municipal Storm Water Policy Committee, on which the City of Muskegon is represented, has approved the hiring of the consulting engineering firm, Fishbeck, Thompson, Carr and Huber (FTCH) to prepare an NPDES Phase II Storm Water Voluntary Permit Application for each municipality. Previously FTCH was selected by bid process to prepare an initial plan of steps needed to prepare a permit application. FTCH was found to be the most qualified and lowest bidder of 8 engineering consulting firms that submitted RFP's for this project.

To complete the application process for each municipality, FTCH has submitted a price not to exceed \$78,000. They also submitted a funding apportionment plan for spreading the preparation cost to all the municipalities represented.

The recommended funding apportionment for the City of Muskegon is 27.4% of the total cost or \$14,960. This figure takes into account each municipality's total area, urbanized area, total population, population in the urbanized area and a factor for public health, safety and welfare. I recommend that we obtain City Commission approval to have our permit application prepared.



December 7, 2001
Project No. G01513

engineers

scientists

architects

Mr. Gerald Bartoszek, P.E.
Public Works Director
City of Norton Shores
4814 Henry Street
Norton Shores, MI 49441

Re: Proposal for Engineering Services for
Muskegon Area Municipal Storm Water Committee

Dear Jerry:

Fishbeck, Thompson, Carr & Huber, Inc. (FTC&H) is pleased to submit this proposal to the Muskegon Area Municipal Storm Water Committee (MAMSWC) for engineering services related to preparing NPDES permit applications for voluntary coverage of municipal storm water discharges from the MAMSWC participating communities and governmental units. The scope of work of the proposed engineering services is contained in the FTC&H report *Michigan Department of Environmental Quality Watershed-Based Voluntary General Permit - Plan Identification*, December 7, 2001. These services are scheduled to extend from January 2002 to March 2003 and will include preparation of the necessary NPDES permit applications prior to March 10, 2003.



1515 Arboratum Dr. SE

Grand Rapids

Michigan 49548

ph: 616.575.2924

fax: 616.575.8155

www.ftch.com

The scope of work outlined in the referenced report includes the following activities:

- Compiling General Information on each governmental unit.
- Preparing base mapping and outfall mapping, as well as a scope of work and approach for the necessary subsequent mapping efforts.
- Prepare a plan for effective detection and elimination of illicit discharges including a model illicit discharge ordinance (Illicit Discharge Detection and Elimination Plan).
- Develop a Public Education Plan.
- Determine the scope of work and approach for development of the Watershed Management Plan.
- Documentation of a strategy to coordinate the development of the Watershed Management Plan and submittal of the Public Participation Strategy within six months of the issuance of the Certificate of Coverage.
- Preparation of a schedule for implementation of the specific activities associated with each of the components of the Watershed-Based Voluntary General Permit and measurable goals for the Illicit Discharge Elimination Plan and the Public Education Strategy.



Mr. Gerald Bartoszek, P.E.

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December 7, 2001

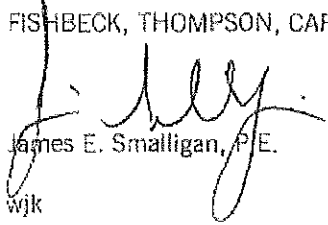
- Meetings with the MAMSWC Technical and Policy Committees and the individual communities and governmental units.
- Preparation of a five-year budget for implementation of the work included in the Watershed-Based Voluntary General Permit and a recommended allocation of cost for contributions by the participating communities and governmental units. Options for financing the development of the watershed management plan and implementation of the other required activities will be investigated.

The proposed work outlined above and in the *Michigan Department of Environmental Quality Watershed-Based Voluntary General Permit - Plan Identification* report will be completed for a not-to-exceed fee of Seventy-Eight Thousand Dollars (\$78,000).

Enclosed are two Professional Services Authorization forms. If you concur with our scope of work, please sign both originals, retain one for your files, and return the other to FTC&H to the attention of Ms. Maureen Alberts. This proposal is made subject to the enclosed Terms and Conditions for Professional Services. Invoices will be submitted every four weeks and payment is due upon receipt.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.


James E. Smalligan, P.E.

wjk

Enclosures

J:\GDOCO1\001513\LTJESBARTOSZEK2.WPD

**Muskegon Area Municipal Storm Water Committee (MAMSWC)
MDEQ Voluntary Permit Application - Cost Apportionment**

Table No. 2 OPTIONAL COST ALLOCATIONS

<u>Community</u>		<u>Option 1 Total Area</u>	<u>Option 2 Total Area with Community Benefits</u>	<u>Option 3 Urbanized Area with Community Benefits</u>
Dalton Township	8.1%	\$4,431	10.3% \$5,628	7.3% \$3,972
Fruitport Township	10.7%	\$5,826	11.0% \$6,325	10.6% \$5,801
Laketon Township	7.4%	\$4,047	10.0% \$6,436	8.8% \$4,784
Muskegon City	31.2%	\$17,026	21.8% \$11,925	27.4% \$14,960
Muskegon Township	16.2%	\$8,891	14.3% \$7,828	16.5% \$9,024
Norton Shores	19.7%	\$10,781	10.1% \$8,803	19.5% \$10,664
Roosevelt Park	2.6%	\$1,414	7.5% \$4,120	5.4% \$2,955
Sullivan Township	4.1%	\$2,245	8.3% \$4,535	4.5% \$2,440
MAMSWC Local Unit Total		\$54,600	\$54,600	\$54,600
Muskegon County		\$11,700	\$11,700	\$11,700
Muskegon County Road Commission		\$11,700	\$11,700	\$11,700
MAMSWC Total		\$78,000	\$78,000	\$78,000

<u>Project Cost Allocation Factors</u>	<u>Option 1 Total Area</u>	<u>Option 2 Total Area with Community Benefits</u>	<u>Option 3 Urbanized Area with Community Benefits</u>
Total Area (A)	1.00	1.00	0.00
Urbanized Area (B)	1.00	1.00	1.00
Population Total (C)	1.00	1.00	1.00
Population in Urbanized Area (D)	1.00	1.00	0.00
Public Health, Safety and Welfare (E) - Community Benefit Factor	0.00	0.50	0.10
Project Cost Allocation Formula :	$(A* \% + B* \% + C* \% + D* \% + E) / \text{Total}$		

Date: January 10, 2002
To: Honorable Mayor and City Commission
From: Water Filtration Plant
RE: High Service Pump #2 Rebuild – additional repairs

SUMMARY OF REQUEST:

To authorize necessary additional repairs to High Service Pump #2.

FINANCIAL IMPACT:

Repair costs of \$8,970.00 in addition to the original agreements of \$31,824.99.

BUDGET ACTION REQUIRED:

This is an unplanned expense and will require an internal budget transfer from another line item.

STAFF RECOMMENDATION:

To authorize payment to the contractor for the additional repairs in conjunction to the original rebuild project at a cost of \$8,970.00.

MEMORANDUM

1/9/02

TO: R. KUHN, DPW
FROM: R. VENEKLASSEN, WFP
RE: FINAL INVOICE, HIGH SERVICE PUMP #2 REPAIRS

I have received final billing for the rebuild of high service pump #2. The total cost of repairs is \$40,794.59. You may recall this pump repair began in early summer of last year.

BACKGROUND

The high service pumps are the pumps that ensure adequate water quantity and pressure to the distribution system, and ultimately to our customer's taps.

Included are two memorandums, dated 4/2/01 and 5/16/01, regarding the repairs to high service pump #2. The City Commission has approved the repair costs as identified in the memorandums, and has authorized expenditures of \$31,824.99 to date.

ADDITIONAL REPAIRS

The final repair cost for this pump is \$8,970.00 greater than was anticipated. Included is a letter of explanation from Gerry Burrows, Peerless-Midwest. His letter identifies the greatest contributor as the impeller replacement and subsequent machining required. Also included with the letter is a spreadsheet identifying the activities, cost estimate, invoiced amount, and the difference between the estimate and invoiced amounts.

RECOMMENDATION

Based on the information provided and understanding gleaned from telephone conversations with Gerry Burrows; I recommend that we approve payment of the additional cost of repairs at \$8,970.00

MEMORANDUM

4/2/01

TO: R. KUHN, DPW

FROM: R. VENEKLASSEN, WFP

**RE: HIGH SERVICE PUMP #2 --
12 MILLION GALLON PER DAY (12 MGD)**

The High Service Pumps; 2-6 MGD and 2-12 MGD, in the 1972 Pumphouse are the primary pumps used to move water into the distribution system and elevated storage tanks.

The upper bearing oil on High Service pump #4 (6 MGD) started to show discoloration (blackened). Kevin Herbert, Chief Operator, had the oil tested by Chevron (oil mfg.). The test results showed high iron content. Additionally this pump started to show elevated vibration levels. While waiting for the oil test results the pump was balanced & the oil flushed and changed.

Kevin began researching what would cause the iron content in the oil. Indications were that it wasn't a bearing problem (no chromium or nickel) so he asked Hall/Jones Elec. to look further into the problem & re-check the balance. This revealed that the bearings were rotating in the casting (unacceptable) and causing the iron particles. Subsequently, the shaft hub has been machined to specs. and the bearings replaced.

The remaining three pumps were examined for the same condition. None displayed signs of this condition but Pump #2 (12 MGD) did not rotate freely like the other pumps.

Kevin contacted Peerless-Midwest and asked them to take a look at this and make recommendation. Peerless adjusted the shaft throw and everything else they could think would relieve the condition; only to loosen the binding slightly (the other pumps can be rotated by hand - this one cannot). They spent over three hours working on the pump, not including travel from Ionia at no charge to us.

We have taken pump #2 out of service but have not "locked" it out. This allows the Plant Operator to use it only if absolutely necessary until such time as it can be repaired.

You may recall that Peerless-Midwest rebuilt High Service pumps #1 & 3 in late 1995 and early 1996. We were quite pleased with their performance. Subsequent to that work, they recently rebuilt the booster pump #2 located at the Keating St. station.

We solicited a cost for a re-build of pump #2 from Peerless Midwest because we are approaching the summer season and a repair of this sort may take as much as 6 to 8 weeks. This time frame is further compounded by spring weight restrictions on the roadways.

The pricing estimate submitted by Peerless-Midwest, Inc. to perform a pump rebuild similar to that performed in 1996 is \$20,100.00. This is an unplanned, but necessary, expenditure that will require a budget transfer.

MEMORANDUM

5/16/01

TO: R. KUHN, DPW
FROM: R. VENEKLASSEN, WFP
**RE: HIGH SERVICE PUMP #2 – 12 MILLION GALLON
PER DAY (12 MGD)**

BACKGROUND

High service pump #2 was removed for repair by our contractor, Peerless-Midwest, Inc., because it was not rotating freely. We received a repair cost estimate from Peerless based on their experience with two previous pump rebuilds, including cost increases. The original repair information from the April 10, 2001 City Commission Agenda is attached.

ADDITIONAL REPAIRS

Upon removal of the pump it was evident there was significant corrosion on the pump column. Peerless disassembled the pump and found a number of items that required repair. The two major items are the replacement of an impeller, the welding repair, sand blasting and protective coating of the pump column. Additionally shaft sections, shaft sleeves and bearings must be replaced. Included are representative photographs of the impeller, pump sleeves and pitting on the pump column. Also included is the cost estimate for the aforementioned, additional, repairs.

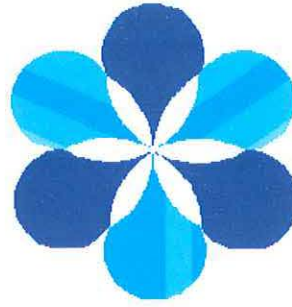
WATER DEMAND

The Filtration Plant is beginning to experience an increase in water demand with the coming of warmer weather. High Service Pump #2 is heavily relied upon to meet the peak water demand during the summer months.

NOTICE TO PROCEED

The unexpected events and unexpected conditions are unfortunate; none-the-less it is imperative that this pump be repaired. It is expected these necessary repairs will require more than six weeks to complete. Due to this situation Peerless-Midwest has been authorized to proceed with the necessary repairs and expedite the repair process at a cost of \$11,724.99.

COPY



MEMO

To: Robert Veneklasen, Dir. / Manager
City of Muskegon WTP
From: Gerry Burrows
Subject: Muskegon HS Pump # 2 - Invoice
Date: December 1, 2001

Peerless-Midwest, Inc.

Please find the attached Pricing estimate Evaluation sheets that I prepared in regard to the invoice # 10323 - 10-31-01 which you requested a over estimated explanation.

In order to correlated the invoice with the estimate I took the original estimate & added two column on the right hand margin for " Invoiced amount" & " Difference from Invoice".
Items in green are under estimate , Items in red are over estimate, items in black are as estimated.

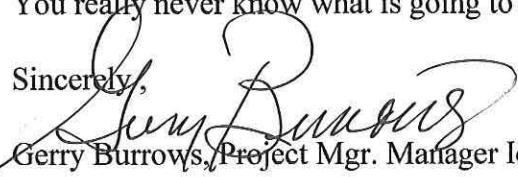
As you can see everything was on target until the pump reached the shop when the parts list was generated & column coating & impeller problems were noted. My memo of 5-14 & pricing sheets for parts (photo's for documentation) raised the parts pricing \$ 9,346.35-(non-listed parts - at bottom of parts sheet) + 2,378.64 (internal parts pricing changes from Worthington above the \$ 4,100.00 estimated from 1995 numbers wt. % increases) & the labor estimate from the original estimated proposal brought the job at this point to \$ 31,824.99.
Other cost are all listed & explained on the bottom of the evaluation sheet.

In case your wondering why we just didn't use the key'ed impeller. The reason is balance. Having one keyed & one collet impeller wt. different weight distribution causes problems . IE: if both impellers were keyed then the shaft is machined at 180 deg for each impeller or the impeller rotor assembly must be assembled and balanced before assembly into the castings. Impeller ordered as Collet type - shipped as key'ed & factory refused to machine for collet. (your pump was collet style)
It all adds up - rather quickly.

Overall this job is no super money maker for Peerless - Presently with most all cost in the job file we are 9.8%. The standard is 20%, so I will also have to explain to the owners at our schedule 12 (closed job) meeting why the job did not make goal margins.
I sincerely doubt if the city or anyone else could have done any better with this job considering the total amount of shop, machine & field work completed.

You really never know what is going to be needed until all parts are laid bare on the shop floor .

Sincerely,


Gerry Burrows, Project Mgr. Manager Ionia Office.

Pricing Estimate Evaluation

City of Muskegon
Mr. Kevin Herbert, Plant Foreman
1900 Beach St.
Muskegon, Michigan 49441



Peerless-Midwest, Inc.
505 Apple Tree Dr.
Ionia, Michigan 48846
616 5270050 616 5275508
4-3-01-- Revised
Gerry Burrows, Dist. Mgr.
Pull and Overhaul HS Pump # 2
500 HP Unit

I-23I 7244104

I-23I 7590192 Fax I23I 7555290

Includes Two man Crew, Semi Service Truck wt. Driver , Sub-contract 150 ton Crane, Accessory Equipment & Tools.

Mobilize crews and Crane to site. Loosen bolts to overhead I-beam, Exhaust fan & Hatches
Lock out Pump power and controls, disconnect all Flange bolts, motor bolts, adjusting nuts & motor clutch
Disconnect wiring, conduit & power connections (City has opted in past to have this done by local electrical contractor due to high voltage) -- City option
Set up crane & counterweights - rig slings (90 ton unit with 60' +reach) - remove I-Beam in Hatches
Pull 500 HP motor and set on blocks - motor is not to be overhauled (Est. Wt. Motor = 3,550#, Pump = 7,100#)
Pull high service pump & place on flat bed semi truck -- unit to be transported to Mishawaka shop for complete disassembly & parts list.
Cleanup & place secure cover over sump. Load tools and return to shop.
Shop to repair pump as directed based on parts list and City approvals
Upon completion , return pump to Site. Set up Crane and reset pump and motor.
After installation crew is satisfied with pump alignment - crane will be released (I -beam is not being replaced, unless requested by City. Beam is in center of hatches and prevents pump removal.
Finish installation & adjustments.
Electrical hookup, Startup and test.
Final cleanup, paint & grouts . Tear down, load and return any rental equipment.
Return travel

Itemized Estimate Green = under , Red = over & added items, Black = Even	Pricing			Invoiced	Diff.
Mobilize two man crew with service truck & tools (one ton)	4	\$135.00	\$540.00	\$405.00	\$135.00
Loosen bolts to overhead I-beam, Exhaust fan & Hatches Lock out Pump power and controls Disconnect all Flange bolts, motor bolts, adjusting nuts & motor clutch Disconnect wiring, conduit & power connections (City has opted in past to have this done by local electrical contractor due to high voltage) -- City option	6	\$135.00	\$810.00	\$1,687.50	(\$877.50)
Mobilize Crew man with Flat bed Semi-truck to Muskegon-- RT & on site	12	\$70.00	\$840.00	\$0.00	\$840.00
Mobilize & set up crane & counterweights - rig slings - remove I-Beam in Hatches On site to pull motor, pump. Demobilize Crane	8	\$300.00	\$2,400.00	\$2,550.00	(\$150.00)
Crew : Pull 500 HP motor and set on blocks - motor is not to be overhauled Pull high service pump & place on flat bed semi truck -- unit to be transported to Mishawaka shop for complete disassembly & parts list.Cleanup & place secure cover over sump. Load tools and return to shop.	8	\$135.00	\$1,080.00	\$1,653.75	(\$573.75)
Shop to repair pump as directed based on parts list and City approvals Est. Man hrs.Tear down, parts list - installed new parts and reassemble	40	\$65.00	\$2,600.00	\$6,142.50	(\$3,542.50)
Shop unloading	1	\$0.00	\$0.00	\$70.00	(\$70.00)

Itemized Estimate Green = under , Red = over & added items, Black = Even	Pricing			Invoiced	Diff.
Machine shop: Work on shafting and components as necessary	14	\$95.00	\$1,330.00	\$3,372.50	(\$2,042.50)
Load and transport repaired pump to site (one man- semi truck) (Rt on site)	12	\$70.00	\$840.00	\$192.50	\$647.50
Mobilize & set up crane & counterweights - rig slings - Reset pump from semi truck, reset motor . Demobilize Crane	8	\$300.00	\$2,400.00	\$2,400.00	\$0.00
Crew -Install repaired pump, motor & accessories --- Start up	10	\$135.00	\$1,350.00	\$1,620.00	(\$270.00)
Demobilize , cleanup and return	6	\$135.00	\$810.00	\$810.00	\$0.00
Estimated parts - based on 1995 repairs to Unit #1	1	\$4,100.00	\$4,100.00	\$6,478.64	(\$2,378.64)
Rentals : Hydraulic lift	1	\$650.00	\$650.00	\$650.00	\$0.00
Misc. Hardware, paint , rags etc.	1	\$70.00	\$70.00	\$70.00	\$0.00
Per diem - 2 men --two nights (70.00/ man allowed)	4	\$70.00	\$280.00	\$280.00	\$0.00
			\$20,100.00		(\$8,282.39)
Added items after inspection					
Sandblast epoxy coated column pipe	1	\$2,971.35	\$2,971.35	\$3,067.20	(\$95.85)
Added stainless steel bolts (set)	1	\$907.50	\$907.50	\$907.50	\$0.00
Unlisted new 26M impeller	1	\$5,467.50	\$5,467.50	\$5,467.50	\$0.00
United Tool and Boring- machine new impeller for collet vs key style	1	\$0.00	\$0.00	\$1,500.00	(\$1,500.00)
Vibration balance of 500 HP motor - Motor was not taken to motor shop	1	\$0.00	\$0.00	\$1,045.00	(\$1,045.00)
Non estimated Electric service from Hall Electric to unhook & Rehook high voltage leads	1	\$0.00	\$0.00	\$425.00	(\$425.00)
Total			\$29,446.35	\$40,794.59	(\$11,348.24)

Note: Insurance above standard limits is not included
Bonding is not included
Overhaul of motor is not included. (no warranty on motor)
Pump Warranty = 1 year from date of installation/ startup

Note: Pump is believed to have a seized packing box bearing .
Pump may require new head shaft. -- SS

Job estimate pricing up to shop disassembly was estimated at \$ 31,824.99

Additional items + added labor + added machine work on impeller & items listed
above totaled an additional \$ 8,969.60

\$1,500.00 of this was extra machining of impeller from key to collet- Factory changed design, told us it was
exact same impeller - but they would not credit or allow any credit.

Impeller had a hole in skirt - We believe the original casting was defective.

\$ 1045.00 was to balance the 500 hp motor which was not taken to shop. This is motor you were having
the bearing problem prior to service]

\$ 95.85 - Missed the epoxy coating on the column pipe .

\$ 2378.64 - Difference in estimated based on 1995 pricing x 13.2%
(\$ 4,100.00 vs \$ 6,478.64)

Shop & Machine shop labor round out the other major catagories as listed above.



Peerless Midwest Inc.

55860 Russell Industrial Parkway / Mishawaka, Indiana 46545 / 219-254-9050 / Fax 219-254 9650

SOLD TO

18137
City of Muskegon
Water Filtration Plant
1900 Beach St.
Muskegon, Michigan 49441

SHIP TO

City of Muskegon
High Service Pump # 2
Muskegon, Michigan

Federal ID # 35-1284374

INVOICE NO. 10323		Vendor#	
TERMS- NET 30 DAYS. 1.5% SERVICE CHARGE (18% ANNUAL RATE) EACH MONTH THEREAFTER			
Invoice Date 10/31/01		Proj Mgr. GB	
S. O. No. 16664		Your Order No.	
Tax Exempt? Yes ☒ No ☐		Reason Tax Exempt Political Subdivision	
Labor Cost	Material Cost	Tax	

DATE	ITEM / DESCRIPTION	CREW	AMT	PRICE	TOTAL
	Overhaul Of High Service Pump # 2				
	Worthington S/N 74TU1566-1 - US 500 Hp C523846-729 85-17304				
	1180 rpm - 26MBW 129568 26M 790 Bowl				
4/23/01	Check load & equipment	2	3	135.00	405.00
4/24/01	Travel to site, set up, break down motor & accessories, Skylight	2	12.5	135.00	1,687.50
	I-beam-- tie off lights				
4/25/01	Pull pump and load on semi trailer - return to shop	2	12.25	135.00	1,653.75
4/26/01	Unload pump in yard	1	1	70.00	70.00
4/26/01					
Thru	Shop man hours - tear down, repair and assembly	2	45.5	135.00	6,142.50
8/13/01	Machine shop hours:	1	35.5	95.00	3,372.50
8/13/01	Sorting & loading	1	2.75	70.00	192.50
8/14/01	Travel, shut down road, set pump, I beams, motor and accessories	2	12	135.00	1,620.00
8/15/01	Start up & check vibration - cleanup - return travel	2	6	135.00	810.00
8/30/01	Technical crew // TMS Electric to balance motor (travel included)	2	11	95.00	1,045.00
	Motor did not go to motor shop for overhaul				
	Sub Total - Labor includes extra's			16,998.75	
	Subcontracts				
	Hydraulic lift	ea	1	650.00	650.00
4/25/01	Geolock crane service- Pull pump 4-25-01	ea	1	2,550.00	2,550.00
	Geolock crane service - reset pump 8-14-01	ea	1	2,400.00	2,400.00
8/15/01	Requested electrical service - Hall electric	ea	1	275.00	275.00
8/15/01	Requested electrical service - Hall electric	ea	1	150.00	150.00
	Pump Parts				
	Sub contract taper boring of New Impeller from new to old design				
	United Tool & Engineering	ea	1	1,500.00	1,500.00
	Per the attache parts tear down sheet				
	Major items at bottom of page - additions	ea	1	15,920.84	15,920.84
	Misc. rags, grease & misc.	ea	1	70.00	70.00
	Crew per diem (2 man @ 70.00)	ea	2	140.00	280.00

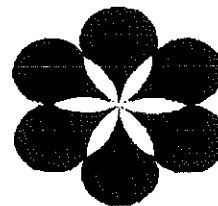
COPY

TOTAL AMOUNT OF THIS INVOICE

40,794.59

FILE: 16664

FAX TRANSMISSION



PEERLESS-MIDWEST, INC.

505 APPLE TREE DR.
IONIA, MICHIGAN 48846
616 5270050
FAX: 616 5275508

To: Robert Veneklasen **Date:** May 14, 2001
Fax #: 1-2317555290 **Pages:** 3, including this cover sheet.
From: Gerry Burrows
Subject: City of Muskegon HS Pump #2

COMMENTS:

Please find the attached pricing sheets for actual parts per the shop tear down list. Pricing is divided into major and normal pump parts. The two big ticket items in this list is the impeller and the welding and epoxy coating of the column pipe.

Regarding the impeller -- Surprising to me ! - cost of a new impeller was actually cheaper than repair of the old unit. We have double checked and factory verified pricing again this am. I expected the impeller to be double this price or more based on pricing of other 26" enclosed impellers.

Column pipe 18" - pricing is to sand blast to near white & Primer and epoxy coat to 5 mils as per pump standards.

I'm advised 6 weeks delivery on the impeller, 4 weeks on all other parts and services.

Note: when you factor out the machine shop labor the \$ 6478.64 reduces to \$ 5701.74 Which is \$ 1606.94 over 1995 pricing before 13.25% wholesale price increases.

We have a order on hold for the listed parts pending any changes or questions you may have. Please advise your wishes.

Thanks .

			Update List	5/11/01
		Peerless-Midwest, Inc. Pump Parts Work Sheet	Parts list	4/27/01
Job	No.	Name: Muskegon	Date:	5/11/01
		Worthington HS Pump #2 (22' of 18" x 2-11/16" CS-	Pump Sn#	74TU1566-1
Labor:		26M-790- 2 stage Bell end Bowl	Pump #	H.S.#2
Material:			UNITS	UNIT PRICE
	No.	ITEMS		TOTAL
H	1	Stuffing Box bearing	1	\$114.75
E	2	Water slinger		
A	3	Set of packing	1	\$51.30
D	4	Airline complete with gauge and fittings -per 100'		
	5	Pressure gauge, petcock and fittings	1	\$51.30
	6	Set of discharge bolts, nuts and gasket	1	\$135.00
	7	Stainless steel head & motor shaft 2 11/16" x 94"	1	\$715.50
	8	Complete head assembly includes 10' ss blank shaft		
	9			
C	10			
O	11	(9.7 1/2') steel lineshaft (2 11/16")	1	\$371.25
L	12	(10') steel lineshaft (2 11/16")	1	\$371.25
U	13	(5') (stainless) steel lineshaft complete wt. sleeve ()		
M	14	(10') (stainless) steel lineshaft complete wt. Sleeve ()		
N	15	Machine shop work on shafting	1	\$351.00
	16	steel shaft couplings (2 11/16")	3	\$147.15
&	17	Stainless steel shaft sleeves for (2 11/16") shaft	2	\$357.75
	18	Set of Neoprene lineshaft bearings for () ()	1	\$591.30
S	19	Bronze bearing retainers		
H	20	Stainless steel snap rings		
A	21	5' top column pipe (5")		
F	22	10' intermediate column (5" x 1")		
T	23	5' to 5-1/3/16" Bottom column pipe (5" x 1")		
	24	5' Top column pipe 460 HS ENGARD COATED		
	25	10' Intermediate column pipe 460 HS ENGARD COATED		
	26	5' Bottom column pipe 460 HS ENGARD COATED		
	27	Gaskets for Column	6	\$53.55
	28			
B	29	Bolts and nuts for column	1	\$186.30
O	30	Inter column assembly (spiders) (Cast) (Bronze)-()		
W	31	New Stage Bowl assembly GPM @TDH		

L	32	Set of bearings for bowl assembly 2 Stage 26M Bowl	1	\$688.50	\$688.50
S	33	Set of Bronze wear rings (2)	1	\$286.20	\$286.20
	34	Set of stainless steel collets			
&	35				
	36	Metalize hubs of impellers			
S	37	set of bolts for bowl assembly	1	\$94.50	\$94.50
U	38	Stainless steel impeller shaft			
C	39	Machine work on impeller shaft			
T	40	(6" x 10') suction pipe			
I	41	() pipe couplings			
O	42	Machine impellers, Make W/R, loctite	1	\$526.50	\$526.50
N	43	Material for wear rings stock size () x () x ()			
	44	HTH Chlorine			
M	45	Sodium Hyperchlorite			
I	46	Motor overhaul by outside vendor)			
S	47	Complete gear drive repair or overhaul			
C	48	Grease and Paint	1	\$81.00	\$81.00
	49	Freight on Materials	1	\$384.75	\$384.75
	50	Sample			
		TOTAL actual per parts tear down list			\$6,478.64
		Estimate 1995= \$ 4,093.20 x 6 yrs @2.2%=\$ 4,645.78			
		Major Additions			
	1	26 M Bronze impellers ----- New	1	\$5,467.50	\$5,467.50
	1	26M Bronze Impeller -----repaired	1	\$6,783.00	\$6,783.00
	1	Stainless steel bolts	1	\$907.50	\$907.50
		Sand Blast & Coat flanged column	1	\$2,971.35	\$2,971.35
		Highlited item - impeller repair not added in total			
		Total all parts as listed wt new impeller			\$15,824.99

Commission Meeting Date: January 22, 2002

Date: January 17, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Creation of HDC Study Committee

SUMMARY OF REQUEST:

The Westwood Group is interested in establishing an historic district for the Boiler Works building and its vicinity in order to avail the State's historic preservation tax credit program. For a new historic district establishment, the state statute requires that the City Commission appoint a study committee to conduct all necessary research and reports. The committee shall contain a majority of persons who have knowledge or interest in historic preservation, and shall contain representation from an organized local historic preservation organizations. The request is to appoint a study committee mainly to determine whether the Boiler Works should be designated as a historic district.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends to appoint the following persons, namely: Jon Colburn and Dan Chambers. Additional persons with knowledge in historic preservation will also be recruited to serve in the study committee.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2002-09(e)

MUSKEGON CITY COMMISSION

RESOLUTION TO APPOINT MEMBERS FOR THE STUDY COMMITTEE TO PERFORM RESEARCH AND REPORTS AS A REQUIREMENT FOR ESTABLISHING AN HISTORIC DISTRICT.

WHEREAS, the Boiler Works property is described as parcel number 24-205-317-0009-00 located on Clay Avenue;

WHEREAS, the Westwood Group, a developer, plans to redevelop the Boiler Works property for commercial and offices, the supplement of an historic preservation tax credit will allow them a viable investment in downtown Muskegon;

WHEREAS, the historic preservation tax credit can only apply to rehabilitation of historic structures located within an established historic district, the Westwood Group is requesting to designate the Boiler Works as an historic district;

WHEREAS, under state statute in establishing an historic district (Section 399.203 of Public Act 169), the local legislative body shall appoint a historic district study committee, which shall be charged to conduct basic research, inventory, and determine the historic significance of a resource or resources within a proposed historic district;

WHEREAS, the study committee shall perform the basic research and reports to meet the requirements of the state statute; and shall be charged to perform one specific project and then dissolved.

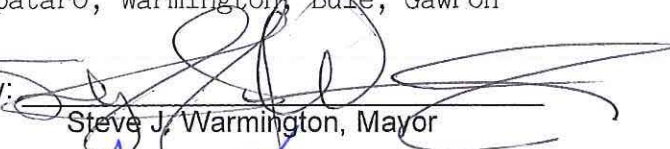
NOW THEREFORE BE IT RESOLVED, that a study committee be created to consider the specific proposed historic district.

Adopted this 22nd day of January, 2002

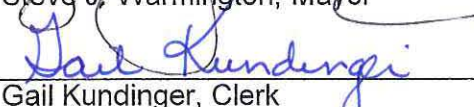
Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Bule, Gawron

Nays: None

By:


Steve J. Warmington, Mayor

Attest:


Gail Kunding, Clerk

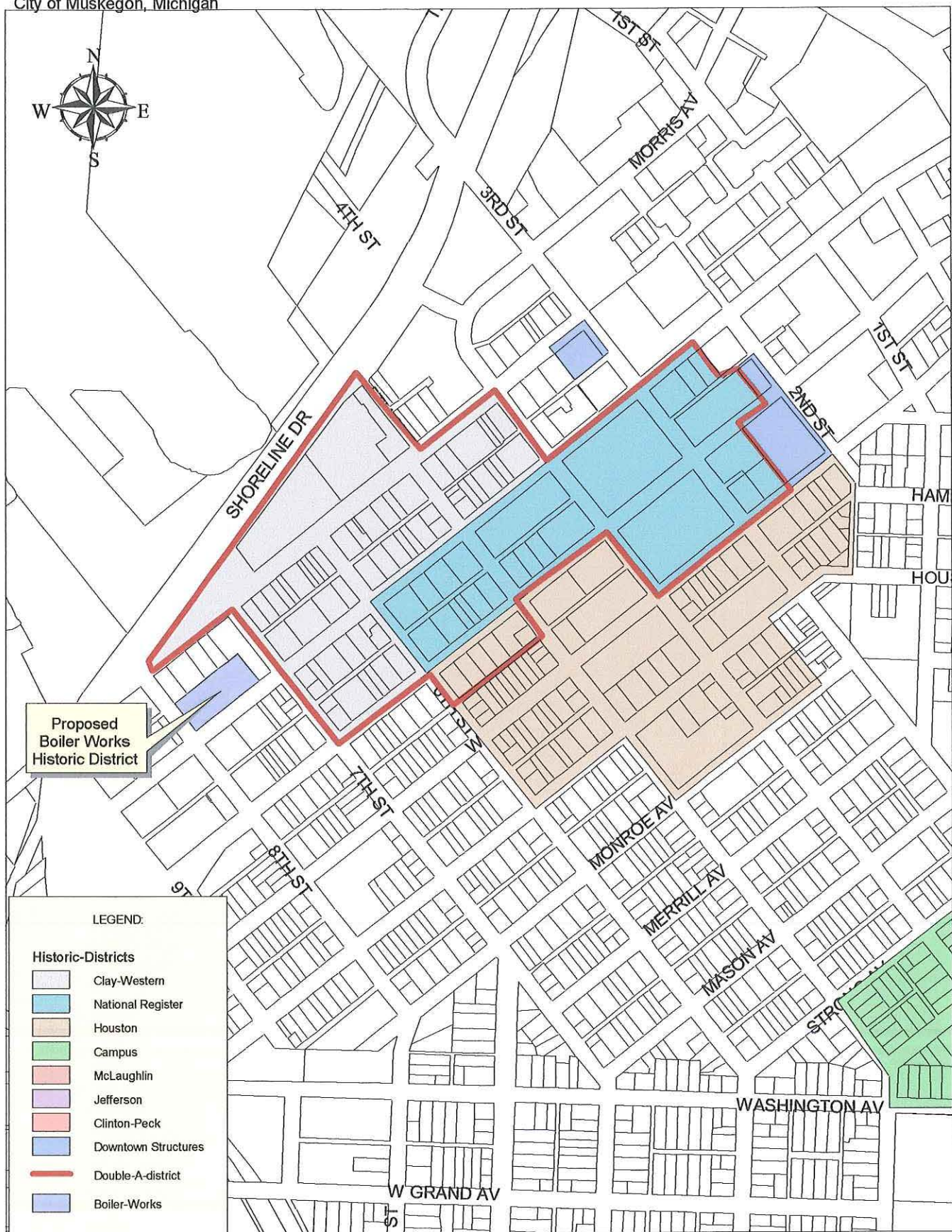
CERTIFICATION

I hereby certify that the foregoing constitute a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on January 22, 2002.

By:


Gail Kunding, Clerk

Site Map of the Proposed Boiler Works Historic District
City of Muskegon, Michigan



TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: January 22, 2002

RE: Public Hearing
Spreading of the Special Assessment Roll on:
Watson, Rodgers & Nelson

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment roll for **Watson, Rodgers & Nelson**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$80,102.59 would be spread against the twenty-three (23) 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. 2002-10(a)

Resolution Confirming Special Assessment Roll

**For Watson, Beach to Nelson; Rodgers, Beach to Nelson & Nelson, Watson to 384.42' N. of
the CL of Rodgers**

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 27, 2001**, 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 Watson, Beach to Nelson; Rodgers, Beach to Nelson & Nelson, Watson to 384.42' N. of
the CL of Rodgers

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: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, and
Larson

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **January 22, 2002**. 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 22, 2002**.

City of Muskegon

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

MAYOR'S ENDORSEMENT AND WARRANT

**Watson, Beach to Nelson; Rodgers, Beach to Nelson & Nelson, Watson to 384.42' N. of the
CL of Rodgers**

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

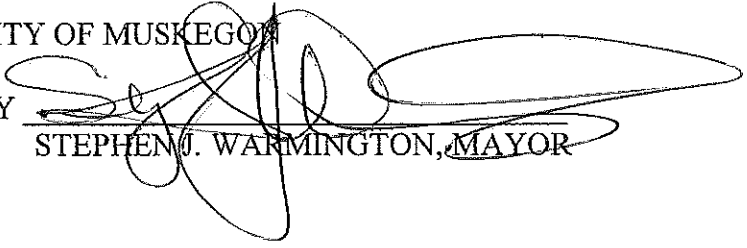

STEPHEN J. WARMINGTON, MAYOR

EXHIBIT A

MILLARD FROM LAKED DUNES TO WEST END

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **All properties abutting Millard from Lake Dunes to West End**

**ATTACHMENT "A",
PROPOSED SPECIAL ASSESSMENT DISTRICT**



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1524 Nelson, Watson & Rodgers

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, 2001.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
28th DAY OF January, 2002.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

Linda S. Potter
MY COMMISSION EXPIRES 9-25-02

JANUARY 11, 2002

OWNERS NAME
MAILING ADDRESS
CITY, STATE, ZIPCODE

Property Parcel NumberXX-XXX-XXX-XXXX-XXat 1460 NELSON ST

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:

Watson Avenue from Beach Street to Nelson Street, Nelson Street from Watson Avenue to the north end; and Rodgers Avenue from Nelson Street to Beach Street.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JANUARY 22, 2002 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 22, 2002 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. 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 \$275,000 of which \$80,102.59 (29.13%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$XXX.XX based on XXX feet assessable front footage \$36.35 per assessable foot for the street improvements. In addition, you will be assessed \$XXX for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$XXXX.XX. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$XXX.XX
Due Date: MARCH 22, 2002

No

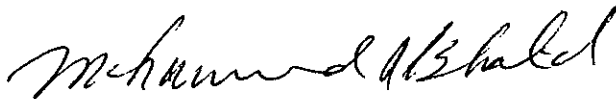
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If 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 Assesment 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 you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
1524 NELSON WATSON & RODGERS
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.

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
COMMUNITY DEVELOPMENT BLOCK GRANT -
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon for roadway improvements is specially assessing property owners in your area. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners, who may have difficulty paying the costs of the special assessment, 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 for your special assessment to the extent that funds is 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 2001, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$26,650
2	30,420
3	34,255
4	38,025
5	41,080
6	44,135
7	47,125
8	50,180
For each extra, add	3,055

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

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

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

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

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

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

**SPECIAL ASSESSMENT DISTRICT:
WATSON, RODGERS & NELSON (H-1524)**

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

All parcels abutting the following sections of roads:

- *Watson, Beach to Nelson*
- *Rodgers, Beach to Nelson*
- *Nelson, Watson to 384.42' N. of the CL of Rodgers*

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district will be held at the City of Muskegon Commission Chambers on **JANUARY 22, 2002 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 roll that has been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll is 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 hearing the City Commission determined that the special assessment district should be created, the improvement made, and the assessment levied. The purpose of this hearing is to hear objections to the assessment roll and to approve, reject, or correct the said roll.

Gail A. Kunding, City Clerk

Publish: **JANUARY 12, 2002**

ADA POLICY

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

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

RECEIVED
CITY OF MUSKEGON

APR 11 2001

CITY OF MUSKEGON

Resolution No. 2001-34(a)

ENGINEERING DEPT.

Resolution At First Hearing Creating Special Assessment District
For **Watson, Beach to Nelson; Rodgers, Beach to Nelson & Nelson, Watson to 384.42' N. of
the CL of Rodgers**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 27, 2001** 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 27, 2001**, there were 22.99% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Spataro and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **31.26%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Spataro, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki

Nays Benedict

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 27, 2001**. 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

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 13 TH DAY OF FEBRUARY, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All Parcels abutting Watson Avenue from Beach Street to Nelson Street; All parcels abutting Nelson Street from Watson Avenue to 384.42' north of the centerline of Rodgers Avenue; and all parcels abutting Rodgers Avenue from Nelson Street to Beach Street .

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON FEBRUARY 3, 2001.

DEPONENT FURTHER 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 2ND DAY OF FEBRUARY, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF March, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

Watson Avenue from Beach Street to Nelson Street, Nelson Street from Watson Avenue to the north end; and Rodgers Avenue from Nelson Street to Beach Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-749-0001-00	1351	BLUFF ST	PARKS DEPT C/O CITY	933 TERRACE ST	MUSKEGON	MI 49443	\$6,458.30	\$0.00	\$6,458.30
24-205-752-0001-00	1360	NELSON ST	MCKEE MALCOLM B	1360 NELSON ST	MUSKEGON	MI 49441	\$834.05	\$415.00	\$1,239.05
24-205-752-0002-00	1368	NELSON ST	MCKEE MALCOM P	1368 NELSON ST	MUSKEGON	MI 49441	\$2,090.13	\$500.54	\$2,590.67
24-205-752-0003-00	1386	NELSON ST	MILLER SUZANNE E	1386 NELSON ST	MUSKEGON	MI 49441	\$6,270.38	\$1,484.13	\$7,754.51
24-205-753-0006-00	1399	NELSON ST	WENDTLAND DAVID L	1399 NELSON ST	MUSKEGON	MI 49441	\$4,710.96	\$0.00	\$4,710.96
24-205-753-0004-00	1406	BEACH ST	POHL WILLIAM	1406 BEACH ST	MUSKEGON	MI 49441	\$2,191.18	\$709.34	\$2,900.52
24-205-752-0006-00	1412	NELSON ST	MATTY JEAN M	1412 NELSON ST	MUSKEGON	MI 49441	\$5,079.91	\$658.45	\$5,738.36
24-205-754-0004-00	1426	BEACH ST	SCHNEIDER RANDALL	1426 BEACH ST	MUSKEGON	MI 49441	\$1,514.70	\$921.60	\$2,436.30
24-205-754-0003-00	1430	BEACH ST	RECKELL RUSSELL P/	1430 BEACH ST	MUSKEGON	MI 49441-1	\$1,483.08	\$351.88	\$1,834.96
24-205-755-0006-00	1430	NELSON ST	KENDRA KAREN	1430 NELSON ST	MUSKEGON	MI 49441	\$4,798.20	\$1,060.27	\$5,858.47
24-205-754-0007-00	1448	BEACH ST	TIGHE MATTHEW N	1448 BEACH ST	MUSKEGON	MI 49441	\$2,075.59	\$0.00	\$2,075.59
24-205-755-0008-00	1448	NELSON ST	JAZDZYK WALTER L	2617 LEONARD ST N	GRAND RAPID	MI 49504	\$1,949.45	\$1,324.20	\$3,273.65
24-200-756-0007-00	1460	NELSON ST	GTE TELEPHONE OPE	P O BOX 152206	IRVING	TX 75015	\$926.56	\$485.57	\$1,412.13
24-205-757-0004-00	1464	BEACH ST	BENEDICT THERESA F	1464 BEACH ST	MUSKEGON	MI 49441	\$2,075.59	\$433.80	\$2,509.39
24-205-753-0005-00	3678	RODGERS AV	EKLUND BRUCE W	3678 RODGERS AVE	MUSKEGON	MI 49441	\$3,333.30	\$1,065.76	\$4,399.06
24-205-754-0002-00	3687	RODGERS AV	FUNKHOUSER JACOB	3687 RODGERS AVE	MUSKEGON	MI 49441	\$1,919.28	\$313.20	\$2,232.48
24-205-754-0010-00	3690	WATSON AVE	GABRIS THOMAS	3696 WATSON AVE	MUSKEGON	MI 49441	\$3,873.09	\$0.00	\$3,873.09
24-205-754-0001-00	3691	RODGERS AV	GIBSON JOAN M	3691 RODGERS AVE	MUSKEGON	MI 49441	\$3,873.09	\$463.60	\$4,336.69

Watson Avenue from Beach Street to Nelson Street, Nelson Street from Watson Avenue to the north end; and Rodgers Avenue from Nelson Street to Beach Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-757-0001-00	3691	WATSON AVE	FARHAT E DAVID	3485 WHISPERING W	MUSKEGON	MI 49444	\$2,818.94	\$3,291.14	<u>\$6,110.08</u>
24-205-754-0009-00	3692	WATSON AVE	GABRIS THOMAS J	3696 WATSON AVE	MUSKEGON	MI 49441	\$1,919.28	\$0.00	<u>\$1,919.28</u>
24-205-757-0003-00	3695	WATSON AVE	SCHAEFER THOMAS	3695 WATSON AVE	MUSKEGON	MI 49441	\$1,919.28	\$406.00	<u>\$2,325.28</u>
24-205-754-0008-00	3696	WATSON AVE	GABRIS THOMAS	3696 WATSON AVE	MUSKEGON	MI 49441	\$1,919.28	\$0.00	<u>\$1,919.28</u>
24-205-757-0002-00	3703	WATSON AVE	SEBESTYEN CAROLY	2372 STEVENS CREE	FRUITPORT	MI 49415-4	\$1,919.28	\$275.21	<u>\$2,194.49</u>
TOTALS							\$65,952.90	14,159.69	<u>\$80,102.59</u>

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

BOARD OF ASSESSORS

CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

LAWRENCE SPATARO CITY COMMISSIONER DATE

CLARA SHEPHERD CITY COMMISSIONER DATE

Watson Avenue from Beach Street to Nelson Street, Nelson Street from Watson Avenue to the north end; and Rodgers Avenue from Nelson Street to Beach Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-749-0001-00	1351	BLUFF ST	PARKS DEPT C/O CITY	933 TERRACE ST	MUSKEGON	MI 49443	\$6,458.30	\$0.00	\$6,458.30
24-205-752-0001-00	1360	NELSON ST	MCKEE MALCOLM B	1360 NELSON ST	MUSKEGON	MI 49441	\$834.05	\$415.00	\$1,239.05
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24-205-753-0006-00	1399	NELSON ST	WENDTLAND DAVID L	1399 NELSON ST	MUSKEGON	MI 49441	\$4,710.96	\$0.00	\$4,710.96
24-205-753-0004-00	1406	BEACH ST	POHL WILLIAM	1406 BEACH ST	MUSKEGON	MI 49441	\$2,191.18	\$709.34	\$2,900.52
24-205-752-0006-00	1412	NELSON ST	MATTY JEAN M	1412 NELSON ST	MUSKEGON	MI 49441	\$5,079.91	\$658.45	\$5,738.36
24-205-754-0004-00	1426	BEACH ST	SCHNEIDER RANDALL	1426 BEACH ST	MUSKEGON	MI 49441	\$1,514.70	\$921.60	\$2,436.30
24-205-754-0003-00	1430	BEACH ST	RECKELL RUSSELL P/	1430 BEACH ST	MUSKEGON	MI 49441-1	\$1,483.08	\$351.88	\$1,834.96
24-205-755-0006-00	1430	NELSON ST	KENDRA KAREN	1430 NELSON ST	MUSKEGON	MI 49441	\$4,798.20	\$1,060.27	\$5,858.47
24-205-754-0007-00	1448	BEACH ST	TIGHE MATTHEW N	1448 BEACH ST	MUSKEGON	MI 49441	\$2,075.59	\$0.00	\$2,075.59
24-205-755-0008-00	1448	NELSON ST	JAZDZYK WALTER L	2617 LEONARD ST N	GRAND RAPID	MI 49504	\$1,949.45	\$1,324.20	\$3,273.65
24-200-756-0007-00	1460	NELSON ST	GTE TELEPHONE OPE	P O BOX 152206	IRVING	TX 75015	\$926.56	\$485.57	\$1,412.13
24-205-757-0004-00	1464	BEACH ST	BENEDICT THERESA F	1464 BEACH ST	MUSKEGON	MI 49441	\$2,075.59	\$433.80	\$2,509.39
24-205-753-0005-00	3678	RODGERS AV	EKLUND BRUCE W	3678 RODGERS AVE	MUSKEGON	MI 49441	\$3,333.30	\$1,065.76	\$4,399.06
24-205-754-0002-00	3687	RODGERS AV	FUNKHOUSER JACOB	3687 RODGERS AVE	MUSKEGON	MI 49441	\$1,919.28	\$313.20	\$2,232.48
24-205-754-0010-00	3690	WATSON AVE	GABRIS THOMAS	3696 WATSON AVE	MUSKEGON	MI 49441	\$3,873.09	\$0.00	\$3,873.09
24-205-754-0001-00	3691	RODGERS AV	GIBSON JOAN M	3691 RODGERS AVE	MUSKEGON	MI 49441	\$3,873.09	\$463.60	\$4,336.69

Watson Avenue from Beach Street to Nelson Street, Nelson Street from Watson Avenue to the north end; and Rodgers Avenue from Nelson Street to Beach Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-757-0001-00	3691	WATSON AVE	FARHAT E DAVID 3485 WHISPERING W MUSKEGON MI 49444	\$2,818.94	\$3,291.14	\$6,110.08
24-205-754-0009-00	3692	WATSON AVE	GABRIS THOMAS J 3696 WATSON AVE MUSKEGON MI 49441	\$1,919.28	\$0.00	\$1,919.28
24-205-757-0003-00	3695	WATSON AVE	SCHAEFER THOMAS 3695 WATSON AVE MUSKEGON MI 49441	\$1,919.28	\$406.00	\$2,325.28
24-205-754-0008-00	3696	WATSON AVE	GABRIS THOMAS 3696 WATSON AVE MUSKEGON MI 49441	\$1,919.28	\$0.00	\$1,919.28
24-205-757-0002-00	3703	WATSON AVE	SEBESTYEN CAROLY 2372 STEVENS CREE FRUITPORT MI 49415-4	\$1,919.28	\$275.21	\$2,194.49
TOTALS				\$65,952.90	14,159.69	<u>\$80,102.59</u>

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

BOARD OF ASSESSORS


 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE 1/28/02


 LAWRENCE SPATARO CITY COMMISSIONER DATE 1-25-02


 CLARA SHEPHERD CITY COMMISSIONER DATE 1-31-02

Date: January 22, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Roberts St. from Keating to Laketon

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-10(b)

Resolution At First Hearing Creating Special Assessment District
For **Roberts St., 192' N. of the Centerline of Keating to Laketon 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 22, 2002** 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 22, 2002**, there were 0 % 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 Buie and Larson
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **20.42%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Shepherd, Spataro, Warmington, Buie, Gawron, Larson, and
Schweifler

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 22, 2002**.
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

ROBERTS ST. FROM SHERMAN TO LATIMER

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Roberts St. from 192' N. of the centerline of Keating
to Laketon Ave.**



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1512, ROBERTS-192' N OF KEATING 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 11TH DAY OF JANUARY, 2002.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
28th DAY OF January, 2002.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Linda S. Potter
MY COMMISSION EXPIRES 9-25-02

ENGINEERING FEASIBILITY STUDY

For

ROBERTS, KEATING TO LAKETON

The proposed Milling & resurfacing of Roberts St. between Keating & Laketon was initiated by the City due to the conditions its in. The proposed resurfacing, we feel, is necessary to prevent this section of roadway from deteriorating to a point where resurfacing would no longer be a valid option and a complete reconstruction would then be necessary, and subsequently increasing the cost to the property owners as well as to the City.

Facts;

- The last major work on Roberts, Keating to Laketon was done back in the late 60s
- Increased commercial traffic due to the opening of Roberts from Barney to Keating
- A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$171,000 with the length of the project being approximately 1,060 lineal feet or 1,940.26 of assessable footage. This translates into an estimated improvement cost of \$88.13 per assessable foot. The assessment figure will be at a cost not to exceed \$18.00 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gilt, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

January 7, 2002

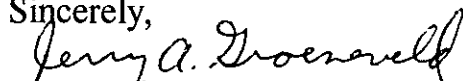
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Roberts Street between Keating Avenue and Laketon Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is January 7, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$18.00 appears reasonable in light of analysis that indicates a possible enhancement of \$19.03. The 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, CMAE 3
Senior Appraiser

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

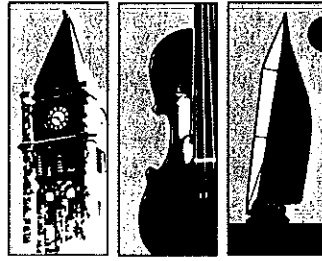
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

January 11, 2002

07

«OWNERS_NAME»

«OWNERS_ADDRESS»

«OWNERS_CITY», «OWNERS_STATE» «OWNERS_ZIPCODE»

«NUMBER»

Parcel Number «P_NUM»: at «ADDRESS» «DIR» «STREET»

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

H-1512, ROBERTS, 192' N OF CL OF KEATING TO LAKETON AVE

The proposed special assessment district will be located as follows:

All parcels abutting Roberts –192' N of CL of Keating to Laketon Ave

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

Public Hearings

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

«NUMBER»

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536

www.shorelinecity.com

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$171,000.00 of which approximately 20.42% (\$34,924.68) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

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

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22, 2002

Project Title: Milling & Resurfacing of Roberts Street, Keating Ave to Laketon Ave
Project Description: All parcels abutting Roberts Street from 192' N of Keating to Laketon Avenue.

INSTRUCTIONS

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

Assessment Information

Property Address:	1183 E LAKETON AVE
Parcel Number	24-133-100-0008-00
Assessable Frontage:	275 Feet
Estimated Front Foot Cost:	\$18.00 per Foot
ESTIMATED TOTAL COST	\$4,950.00

Property Description

W 198 FT OF E 231 FT OF S 350 FT OF N 416 FT OF NE 1/4 OF NW 1/4 SEC 33 T10N R16W EX E 51 FT OF N 14.7 FT THEREOF

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner	_____	CoOwner/Spouse	_____
Signature	_____	Signature	_____
Address	_____	Address	_____

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Roberts St., Keating to Laketon
Black Creek Rd., Sherman to Latimer**

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

- **All parcels abutting Roberts Street from 192' N. of CL of Keating to Laketon Ave.**
- &
- **All parcels abutting Black Creek Rd. from 200' S. of the CL of Olthoff to Latimer**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS
ON January 22, 2002 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **January 12, 2002**

Gail Kunderinger, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

HEARING DATE JANUARY 22, 2002 H-1512

Milling & Resurfacing of Roberts Street, Keating Ave to Laketon Ave

24-133-100-0008-00	GR MUSK HOUSING CORP TR	ASSESSABLE FEET:	275
	1065 4TH ST	COST PER FOOT:	\$18.00
@ 1183E LAKETON A	MUSKEGON MI 49441-190	ESTIMATED P.O. COST:	\$4,950.00

groeneveldje@co.muskegon.mi.us

24-133-100-0009-00	NEWKIRK ELECTRIC ASSOC	ASSESSABLE FEET:	541.95
	1875 ROBERTS ST	COST PER FOOT:	\$18.00
@ 1875 ROBERTS S	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$9,755.10

groeneveldje@co.muskegon.mi.us

24-133-200-0001-00	EARTHGRAINS COMPANY	ASSESSABLE FEET:	178
	8400 MARYLAND AVE	COST PER FOOT:	\$18.00
@ 1225E LAKETON A	ST LOUIS MO 63105	ESTIMATED P.O. COST:	\$3,204.00

groeneveldje@co.muskegon.mi.us

24-133-200-0005-00	LORIN INDUSTRIES	ASSESSABLE FEET:	108
	1960 ROBERTS ST	COST PER FOOT:	\$18.00
@ 1842 ROBERTS S	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,944.00

groeneveldje@co.muskegon.mi.us

24-133-200-0007-00	KERSCO DIVISION INC	ASSESSABLE FEET:	398.25
	1960 ROBERTS ST	COST PER FOOT:	\$18.00
@ 1894 ROBERTS S	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$7,168.50

groeneveldje@co.muskegon.mi.us

24-133-200-0008-00	LORIN INDUSTRIES	ASSESSABLE FEET:	322.9
	1960 ROBERTS ST	COST PER FOOT:	\$18.00
@ 1960 ROBERTS S	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$5,812.20

groeneveldje@co.muskegon.mi.us

HEARING DATE JANUARY 22, 2002 H-1512

Milling & Resurfacing of Roberts Street, Keating Ave to Laketon Ave

24-215-014-0001-00	LORIN INDUSTRIES	ASSESSABLE FEET:	116.16
	1960 ROBERTS ST	COST PER FOOT:	\$18.00
@ 1975	ROBERTS S MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,090.88</u>

groeneveldje@co.muskegon.mi.us

SUM OF ASSESSABLE FOOTAGE:	<u>1940.26</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$34,924.68</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	7		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

JAN 25 2002

City Clerks Office

To have your vote count, please

Return This Card By **JANUARY 22, 2002**

Project Title: Milling & Resurfacing of Roberts Street, Keating Ave to Laketon Ave
Project Description: All parcels abutting Roberts Street from 192' N of Keating to Laketon Avenue.

INSTRUCTIONS

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

Assessment Information

Property Address:	1975	ROBERTS ST
Parcel Number	24-215-014-0001-00	
Assessable Frontage:	116.16	Feet
Estimated Front Foot Cost:	\$18.00	per Foot
ESTIMATED TOTAL COST	\$2,090.88	

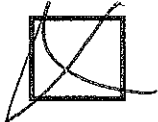
Property Description

THAT PT OF SEC 33 T10N R16W AND CONTINENTAL ADDITION TO THE CITY OF MUSKEGON DESC AS COM AT SW COR LOT 9 BLK 14 SD CONTINENTAL ADDITION, TH N 0 DEG 23 MIN 21 SEC E 154.8 FT ALG WLY LN SD LOT 9 AS EXTENDED TO PT OF INTERSECTION OF NLY LN OF LOTS 7 & 8 OF SD BLK AS EXTENDED & ELY LN LOT 8 AS EXTENDED, TH N 89 DEG 56 MIN 05 SEC W ALG SD NLY LOT LINES AS EXTENDED 223.06 FT TO ELY R/W LINE VULCAN ST, TH N 0 DEG 47 MIN 35 SEC E ALG E R/W LINE VULCAN ST AS EXTENDED 199.62 FT TO SLY LINE C&O RR & NLY LN NIMS ST, TH S 89 DEG 09 MIN 02 SEC E 262.78

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner	<u>Tom Anton</u>	CoOwner/Spouse	_____
Signature	<u>Tom W. Anton</u>	Signature	_____
Address	<u>1875 Roberts Street</u>	Address	_____

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

CITY INDUSTRIES

Date: January 22, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Black Creek Rd. Sherman to Latimer

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Black Creek Rd., Sherman to Latimer**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Commission Meeting Date: January 22, 2002

Date: January 15, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Extension of Construction Time Period- Purchase Agreement/Former Lakos Property (Muskegon Hospitality, Inc./City of Muskegon)

SUMMARY OF REQUEST: To approve the written request from Holiday Inn Muskegon Harbor/Muskegon Hospitality Inc. to extend the construction time period designated in the Purchase Agreement between Muskegon Hospitality, Inc. and the City of Muskegon for the former Lakos property, with conditions. The conditions are included in the attached Amendment Agreement, and include an extension of three years, at the inclusion of which a new building will be constructed on the site. Conditions include the requirement that a paved, landscaped parking lot will be constructed on the site in the interim. If the parking lot is not constructed, in accordance with requirements of the Engineering and Planning Departments, by May 31, 2002, the original staff recommendation of January 8, will be in effect.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Amendment Agreement and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

AMENDMENT AGREEMENT

2002-11(a)

THIS AGREEMENT is made, effective January 22, 2002 by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **DESIREE ENTERPRISES, INC.** of 939 Third Street, Muskegon, Michigan 49440 ("Buyer"). This agreement constitutes an amendment to a certain Real Estate Purchase Agreement between the parties dated February 8, 2000, and a Land Contract between the parties dated March 1, 2000, a memorandum of which was recorded on March 6, 2000, at Liber 3020 Page 817, Muskegon County Register of Deeds. In all other respects the said agreements shall remain in full force and effect.

1. **Extension of Time for Completion of Improvements.** The Buyer shall have an extended period of time within which to construct the improvements contemplated by Section 9 of the Real Estate Purchase Agreement, so that the time for completion shall now be January 15, 2005, or if the parking lot is not completed by the date set forth below (May 31, 2002), then January 15, 2003. This extension is made on the following conditions. The failure of the Buyer to observe any one of these conditions shall result in immediate reversion of the property to Seller as set forth in paragraph 9 of the Real Estate Purchase Agreement and further in this agreement:

- 1.1 **The Buyer shall construct a parking lot on the premises**, which shall be completed, including paving and striping, pursuant to plans which must be approved by the City (Engineering Department), completion of construction to be accomplished by May 31, 2002. By the said date, the parking area shall be constructed and operated, in addition, according to the provisions following:
- 1.2 The parking lot shall be landscaped in compliance with a landscaping plan to be submitted to and approved by the City (Planning Department).
- 1.3 All zoning ordinance requirements, including variances, if granted, shall be complied with, including without limitation landscaping, setbacks, layout, lighting, and any other site plan requirements.
- 1.4 The entrance(s) and exit(s) for the parking area shall be on the alley.

- 1.5 Maintenance, repairs and cleaning shall be the responsibility of the Buyer or its successors or assigns.
- 1.6 All improvements of the parking area shall be completed and approved by the City on or before May 31, 2002.
- 1.7 **In the event the parking area is not thus completed by May 31, 2002**, the property shall revert to the City, **unless** the Buyer fills the property with three inches of topsoil and seeds the property for ground cover acceptable to the City by June 30, 2002, and files with the City on June 30, 2002, its plan and timetable for completion, by January 15, 2003, of all buildings and improvements. (In that event, the existing fence shall be removed from its current location to the rear of the property so that it screens the rear delivery and dumpster areas of the hotel by June 30, 2002. If it continues to be necessary or appropriate to maintain an existing fence on the front of the property, the said existing fence shall be continued in addition to a new rear screening fence. The City shall determine whether the front fence shall be continued in place).
- 1.8 **If the parking lot is completed by May 31, 2002**, the Buyer shall deposit with the City a written schedule of the construction activities and completion of buildings and structures appropriate for commercial uses permitted on the property, the said schedule to be filed with the City no later than January 15, 2003. Completion of the said improvements shall be accomplished by January 15, 2005, and the schedule shall so require.
- 1.9 **Reversion.** Continuance of mere parking lot usage or the vacant condition after seeding without **timely** submitting the appropriate plan above, or if submitted, without **timely** completion, (January 15, 2003 or 2005), shall result in reversion to the City. Reversion to the City shall mean that without any further action by the City, the entire title to the property shall pass to the City without compensation to Buyer for the improvements or partial improvements made, including without limitation all parking, lighting, landscaping, infrastructure, ground cover, seeding, planting, fences or other installations, or for any expense of any kind. This reversion right of the City is supported by consideration, reflected in the original purchase price. **This reversion right survives delivery of a deed pursuant to the Land Contract.**

2. **Recording and Enforcement.** The provisions of this agreement shall constitute amendments to the Land Contract at paragraph 19 thereof, and the incorporated Real Estate Purchase Agreement at paragraph 9 thereof. This agreement may be recorded, and shall constitute record evidence of the City's right to reversion and enforcement of the agreement. The legal description of the property is:

Lot 8, EXCEPT the Easterly four inches thereof, and all of Lots 9, 10 and 11; also Lot 12, EXCEPT the Southwesterly 6/10ths of a foot, of Block 566 of the Revised Plat of the City of Muskegon.

3. In all other respects the agreements between the parties shall remain in full force and effect. It is binding on the parties and their successors and assigns.

WITNESSES:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

SELLER: CITY OF MUSKEGON

By [Signature]
Steve Warmington, Mayor

By Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER: DESIREE ENTERPRISES, INC..

By _____

Its _____

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of January, 2002 by Steve Warmington and Gail A. Kunderger, Mayor and Clerk respectively, for and on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My commission expires: 9-25-02

Jan 18 02 12:42p
JAN.17.2002 4:02PM

Office of Randal S. Toma
HOLIDAY INN MUSKEGON

(248) 395-5251

p. 4

NO. 904-- P. 4/5

Real Estate Purchase Agreement at paragraph 9 thereof. This agreement may be recorded, and shall constitute record evidence of the City's right to reversion and enforcement of the agreement. The legal description of the property is:

Lot 8, EXCEPT the Easterly four inches thereof, and all of
Lots 9, 10 and 11; also Lot 12, EXCEPT the Southwesterly
6/10ths of a foot, of Block 566 of the Revised Plat of the
City of Muskegon.

3. In all other respects the agreements between the parties shall remain in full force and effect. It is binding on the parties and their successors and assigns.

WITNESSES:

SELLER: CITY OF MUSKEGON

By _____

Steve Warmington, Mayor

By _____

Gail A. Kunding, Clerk

ENTERPRISES, INC..

BUYER: DESIREE

By _____
AKIRA A. JARON

Its _____

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this _____ day of _____, 2001 by Steve Warmington and Gail A. Kunding, Mayor and Clerk respectively, for and on behalf of the City of Muskegon.

_____, Notary

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this _____ day of _____,
2002 by _____, _____, for and on behalf of Desiree Enterprises, Inc.,
Inc.

_____, Notary Public
Muskegon County, Michigan
My commission expires: _____

Drafted by and return to:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

ROLL CALL/ACTION SHEETS

ROLL CALL/ACTION SHEETS

Present	Name	Action	Ayes	Nays	COMMENT
	Commissioner Shepherd		✓		
	Commissioner Spataro	S	✓		
	Mayor Warmington		✓		
	Vice Mayor Buie		✓		
	Commissioner Gawron		✓		
	Commissioner Larson		✓		
	Commissioner Schweifler	M	✓		

passed.

*to table
until
next
meeting*

1-22-02

Commission Meeting Date: January 8, 2002

Date: January 2, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Extension of Construction Time Period- Purchase Agreement/Former Lakos Property (Muskegon Hospitality, Inc./City of Muskegon)

SUMMARY OF REQUEST: To approve the written request from Holiday Inn Muskegon Harbor/Muskegon Hospitality Inc. to extend the construction time period designated in the Purchase Agreement between Muskegon Hospitality, Inc. and the City of Muskegon for the former Lakos property, with conditions. Although the extension request is for 24 months, staff recommends that the request be granted for 12-months, in accordance with Section (9) of the Purchase Agreement (through September 2002).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request from Muskegon Hospitality, Inc. for an extension for completion of construction, for a period of 12 months, provided that the following conditions be met: 1) a timeline for building construction and future use be provided to the City by February 1, 2002, 2) the property be filled with 3" of topsoil and the property be seeded by May 31, 2002, 3) the existing fence be moved from it's current location to the rear of the property so that it screens the rear delivery and dumpster area by May 31, 2002. Further, the buyer must sign an addendum to the Land Contract and Purchase Agreement agreeing to these terms.

COMMITTEE RECOMMENDATION: None.

November 19, 2001

Ms. Cathy Brubaker-Clarke
City Of Muskegon
933 Terrace Street
P. O. Box 536
Muskegon, Michigan 49443-0536

Dear Ms. Brubaker-Clark,

In response to your letter dated November 9, 2001, I would like to officially request an extension of our "Agreement" for an extra twenty-four (24) months. We are still very interested in construction of this property, but due to the following reasons we have put the project on hold.

First, due to the recent economy, most of our capital expenditures have been delayed until the economy rebounds. Almost assuredly the plans are for development in 2002.

Next, we are waiting for the County's plans for the new Convention Center, here in downtown Muskegon. We would like to adapt our plans for the needs of the City's guests that are not included in the Convention Center's. For example if more convention area, display area, or banquet area is needed, our plans would be to include that in the construction plans.

Thirdly, we would also like to see the development course of the designated "Smart Zone" in downtown. We have also talked about adding a business center for our guests in the hotel. This could also have an impact to determine the plans for construction and development of this property.

Finally, projects for the improvement of Western Avenue are still uncertain. We would like to be able to possibly enhance some of those still undecided projects, such as theme, style and conformity. Basically, we do want to match those pending developments, for the esthetic beauty of downtown.





Thank you for letting us request this extension. It is in all of our best interest to give the City the best possible plans of development and we hope together the City of Muskegon becomes a flourishing metropolis we all know it can be.

Sincerely,

Samei Betak
Holiday Inn Muskegon Harbor



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made FEBRUARY 8, 2000, by and between **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and ~~MUSKEGON NIGHTS, INC.~~, of 939 Third Street, Muskegon, Michigan 49440 ("Buyer"). ~~DESIRE ENTERPRISES, INC.~~

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property commonly known as 428 W. Western Avenue, Muskegon, Michigan ("Premises"), and specifically described as:

Lot 8, EXCEPT the Easterly four inches thereof, and all of Lots 9, 10 and 11; also Lot 12, EXCEPT the Southwesterly 6/10ths of a foot, of Block 566 of the Revised Plat of the City of Muskegon.

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Thirty Five Thousand Dollars (\$35,000), payable as follows:

Fifteen Thousand Dollars (\$15,000) shall be paid to Buyer in certified funds at closing;

The balance of Twenty Thousand Dollars (\$20,000) shall be paid in two payments of Ten Thousand Dollars (\$10,000) each, on the anniversary date and the second anniversary date of the closing. Balances due from time to time shall accrue interest, compounded monthly, at 6% per annum. Buyer shall execute a Land Contract in the form attached to this Agreement reflecting the said payment arrangement (Exhibit A). The Land Contract shall carry the conditions and indemnity provisions set forth in this Agreement.

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

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such

unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. **Personal Property and Fixtures.** All personal property and fixtures which Seller wishes to remove shall be removed on or before Closing. The parties are aware that Buyer intends to demolish the building. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

6. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **Environmental Matters.** Seller represents and warrants to Purchaser as follows:

a. To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

b. Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

c. The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL

SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF BUYER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES BY THE SELLER. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER.

BUYER FURTHER AGREES TO INDEMNIFY AND HOLD THE SELLER HARMLESS FOR ALL COSTS, ATTORNEY FEES, FINES, PENALTIES OR OTHER EXPENSES WHICH MAY BE SOUGHT FROM SELLER BY REASON OF THE ENVIRONMENTAL CONDITION OF THE PREMISES. BUYER ACKNOWLEDGES THAT THE SELLER HAS NOT PHYSICALLY OCCUPIED, USED, MAINTAINED OR IMPROVED THE PREMISES SINCE IT RECEIVED THE TITLE IN EXCHANGE FOR A DEBT DUE IT FROM BUYER'S PREDECESSORS FAR IN EXCESS OF THE MARKET VALUE OF THE PREMISES. BUYER FURTHER ACKNOWLEDGES THAT THE SELLER IS CONVEYING THE PREMISES FOR A PRICE SUBSTANTIALLY LESS THAN THE APPRAISED VALUE, AND THE AGREEMENT TO INDEMNIFY AND HOLD SELLER HARMLESS, TOGETHER WITH OTHER AGREEMENTS FOUND IN THIS CONTRACT, IS PART OF THE CONSIDERATION AS A RESULT.

9. **Condition: To Construct Improvements.** Buyer acknowledges that, as part of the consideration inuring to the City, and as a condition of this sale, Buyer shall construct on the premises a building and all improvements within eighteen (18) months of the closing of this transaction. The building and all improvements shall be qualified for the issuance by the City of a Certificate of Occupancy or Compliance by that time and, in the event that has not occurred, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. In the event the said completion date cannot be met by Buyer for reasons beyond the control of Buyer, such as environmental or governmental regulatory orders which actually delay construction (not caused by buyer), Buyer may request, in writing, at least thirty (30), but no more than sixty (60), days before the end of the said eighteen month period, an extension of time for said completion, giving the reasons therefor and seeking an extension for no longer than 12 additional months, (for a total of no more than 30 months). The city shall not unreasonably refuse the request. The covenants in this paragraph shall survive the closing and run with the land.

As further condition of this Agreement, and subject to the reversion above, Buyer shall construct the said building and all improvements having the following structural and appearance characteristics:

- 9.1 The building shall have a height equal to the prevailing height of neighboring buildings, to be at least twenty feet at the front building line.

9.2 The building shall have a front building line at the same depth as neighboring buildings.

9.3 The building presently on the premises shall be demolished and legally disposed of within 150 days after the closing.

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

11. **Closing.** The closing date of this sale shall be on or before _____, 2000 ("Closing"). The Closing shall be conducted at the closing office of Transnation Title Insurance Company in Muskegon, Michigan. If necessary, the parties shall execute an IRS closing report at the Closing.

12. **Delivery of Land Contract.** Seller shall execute and deliver the Land Contract (Exhibit A) to Buyer at Closing.

13. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

14. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing, and, as stated above, the title insurance premium.

15. **General Provisions.**

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

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

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

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

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

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

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

h. **Modification of the Agreement; No other Agreement.** This Agreement and the Land Contract shall not be amended except by a writing signed by Seller and Buyer. There is no other agreement, express or implied, between the parties except this one and the Land Contract which will be signed at closing.

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

WITNESSES:

Matthew Dugener
Matthew Dugener

Linda Potter
Linda Potter

SELLER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunding
Gail A. Kunding, Clerk

BUYER: ~~MUSKEGON NIGHTS, INC.~~ DESIRE
ENTERPRISES, INC.

By Sara BHC
Its Controller

TID No. _____

Drafted by:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786



MUSKEGON HARBOR

January 4, 2002

Mayor's Office
City Of Muskegon
933 Terrace Street
P. O. Box 536
Muskegon, Michigan 49443-0536

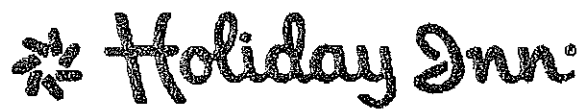
Dear Mayor and City Council Members,

In response to your letter from Cathy Brubaker-Clark dated November 9, 2001, I would like to officially request an extension of our "Agreement" for an extra thirty-six (36) months. We are still very interested in developing this property into a Banquet/Convention facility, but due to the recent economy, revenue forecasts in the short-term are not promising. Therefore, a new short-term proposal would be to try something else and leave the Banquet/Convention facility to a long-term goal.

Our new development idea, has actually been suggested by our Downtown business neighbors, is a new public parking facility. This could compensate for the loss of the Muskegon Mall's public parking, and is a temporary fix for the land. This lot would be paved, neatly landscaped, and provide a proposed fifty (50) parking spaces, near the corner of Western Avenue and Third Street. Many businesses are currently using the Holiday Inn's parking structure. In the coming months when the hotel's occupancy is on the rise so will the demand for our parking spaces. Hotel guests will receive priority for those available spots, leaving little for the general public. See the attached letter of support from several downtown businesses.

Our vision in the short term is to add to the beauty of Downtown and give it needed parking spaces. The long-term vision is to still develop a competitive Banquet/Convention facility. Such a facility would attract large events to Muskegon for the first time, competing with larger markets that used to have a monopoly on that size of business interest.





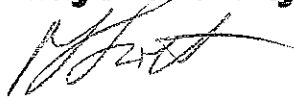
Muskegon  HARBOR

Thank you for letting us request this extension. It is in our best interest to give the City of Muskegon the best possible plans of development. Together, we hope to improve this fine city's future.

Sincerely,

Samei Betak
Holiday Inn Muskegon Harbor



Date: December 4, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Fisherman's Landing RFP

SUMMARY OF REQUEST:

To direct staff as to which proposal, if either, to pursue for the use of Fisherman's Landing

FINANCIAL IMPACT:

Unknown

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

See Attached

COMMITTEE RECOMMENDATION:

The Leisure Services Board recommended that to delay action for 30 days to allow both parties to work out an agreement, but to work with Great Lakes to determine what an equal swap may be during that time.

Commission Meeting Date: January 22, 2002

Date: January 11, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located near Bayou, Butler and Wood Streets

SUMMARY OF REQUEST:

Request to rezone property owned by Donald and Sherry Lou Balcom, located near Bayou, Butler and Wood Streets, from RT, Two-Family Residential and B-4, General Business to RM-1, Low Density Multiple-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/10 meeting. The vote was unanimous.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2066

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from RT "Two-Family Residential," and B-4 "General Business" to RM-1 "Low Density Multiple-Family Residential"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from RT "Two-Family Residential" and B-4 "General Business", to RM-1 "Low Density Multiple-Family Residential":

THAT PART OF BLOCKS 4, 5 AND 127, OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 4 FOR POINT OF BEGINNING; THENCE SOUTH 00°15'08" EAST ALONG THE EAST LINE OF SAID BLOCK 4 A DISTANCE OF 142.74 FEET; THENCE SOUTH 71°23'30" WEST 173.32 FEET (RECORDED AS 173.53 FEET) TO A POINT 197.97 FEET SOUTH OF THE NORTHWEST CORNER OF SAID BLOCK 4, TO THE LINE BETWEEN SAID BLOCKS 4 AND 5; THENCE SOUTH 00°15'37" EAST ALONG SAID BLOCK LINE 303.19 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 5; THENCE SOUTH 89°58'53" WEST ALONG THE SOUTH LINE OF SAID BLOCK 5 A DISTANCE OF 460.29 FEET; THENCE NORTH 00°05'00" WEST, PARALLEL TO THE EAST LINE OF WOOD STREET, 100.00 FEET; THENCE SOUTH 89°58'53" WEST 660.00 FEET TO THE EAST LINE OF WOOD STREET; THENCE NORTH 00°05'00" WEST ALONG SAID EAST LINE 34.84 FEET TO THE NORTH LINE OF BUTLER STREET; THENCE NORTH 65°30'30" WEST ALONG SAID NORTH LINE 18.16 FEET TO THE CENTERLINE OF THE VACATED PORTION OF WOOD STREET, AS RECORDED IN LIBER 1578, PAGE 340, MUSKEGON COUNTY RECORDS; THENCE NORTH 00°05'00" WEST ALONG SAID CENTERLINE 226.59 FEET; THENCE SOUTH 89°55'00" WEST 16.50 FEET TO A POINT ON THE EAST LINE OF LOT 9 OF SAID BLOCK 127 AND THE EXTENSION OF THE LINE BETWEEN LOTS 3 AND 4 OF SAID BLOCK 127, THROUGH SAID LOT 9 OF SAID BLOCK; THENCE NORTH 65°48'50" WEST ALONG THE EXTENSION OF SAID LOT LINE 46.04 FEET TO THE CENTERLINE OF THE 20 FOOT VACATED ALLEY, RECORDED IN LIBER 1460, PAGE 40, LYING IN SAID BLOCK 127; THENCE NORTH 23°56'00" EAST ALONG SAID CENTERLINE 198.97 FEET TO THE SOUTHERLY LINE OF BAYOU STREET; THENCE SOUTH 66°07'09" EAST ALONG SAID SOUTHERLY LINE 169.40 FEET TO THE NORTH LINE OF SAID BLOCK 5; THENCE NORTH 89°58'24" EAST ALONG SAID NORTH LINE 1122.48 FEET TO POINT OF BEGINNING. CONTAINING 12.39 ACRES.

This ordinance adopted:

Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

Adoption Date: January 22, 2002

Effective Date: February 9, 2002

First Reading: January 22, 2002

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of Balcom Property from RT and B-4 to RM-1)

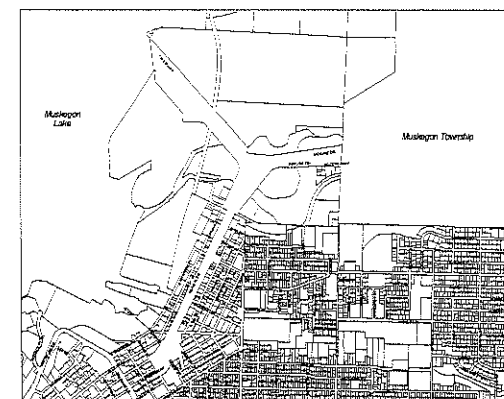
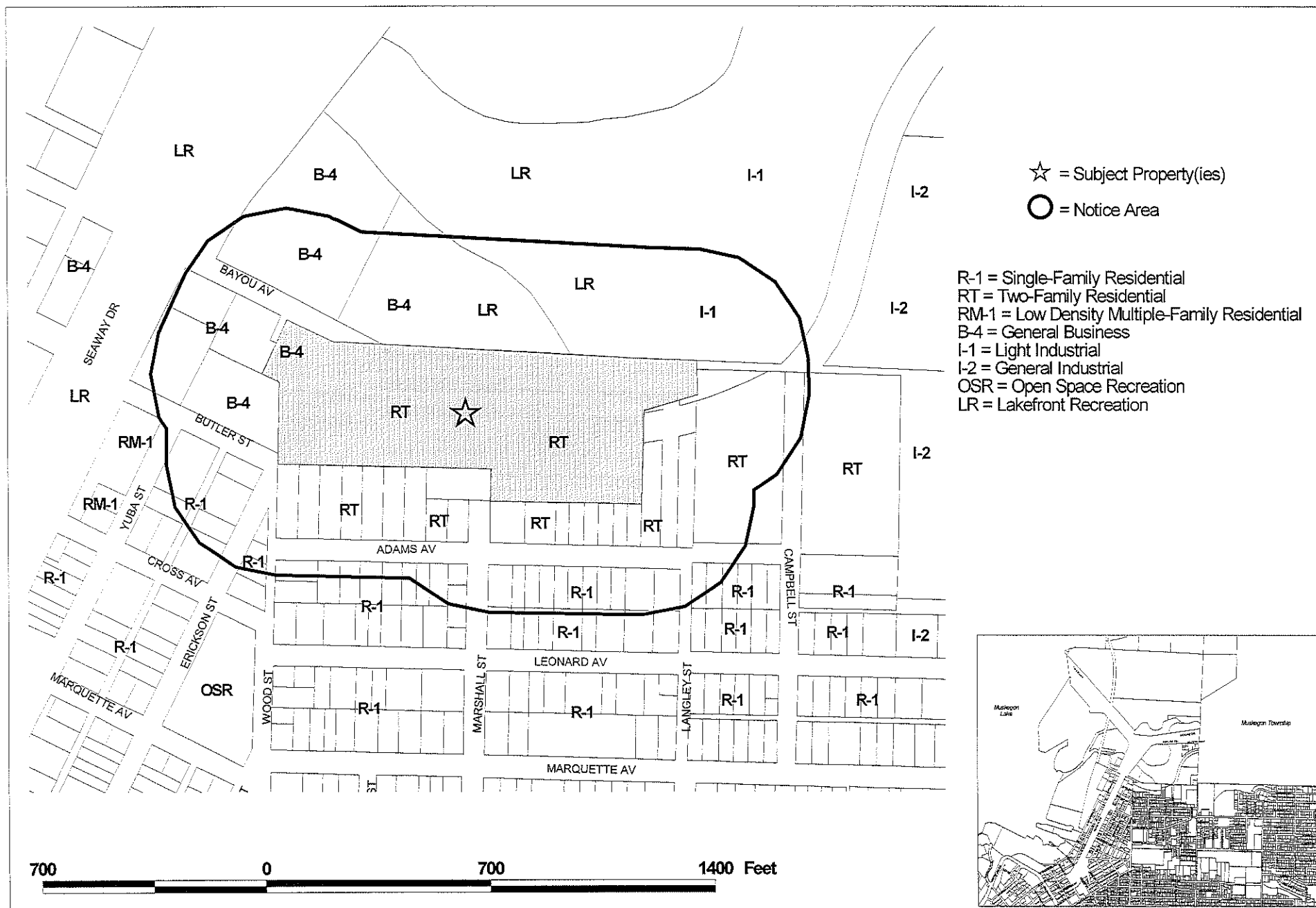
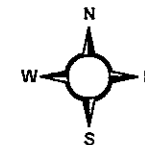
The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of January, 2002, 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 22, 2002.


Gail Kundinger, CMC/AAE
Clerk, City of Muskegon

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

City of Muskegon Planning Commission Case #2002-1



CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on January 22, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from RT "Two-Family Residential" and B-4 "General Business", to RM-1 "Low Density Multiple-Family Residential"

THAT PART OF BLOCKS 4, 5 AND 127, OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 4 FOR POINT OF BEGINNING; THENCE SOUTH 00°15'08" EAST ALONG THE EAST LINE OF SAID BLOCK 4 A DISTANCE OF 142.74 FEET; THENCE SOUTH 71°23'30" WEST 173.32 FEET (RECORDED AS 173.53 FEET) TO A POINT 197.97 FEET SOUTH OF THE NORTHWEST CORNER OF SAID BLOCK 4, TO THE LINE BETWEEN SAID BLOCKS 4 AND 5; THENCE SOUTH 00°15'37" EAST ALONG SAID BLOCK LINE 303.19 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 5; THENCE SOUTH 89°58'53" WEST ALONG THE SOUTH LINE OF SAID BLOCK 5 A DISTANCE OF 460.29 FEET; THENCE NORTH 00°05'00" WEST, PARALLEL TO THE EAST LINE OF WOOD STREET, 100.00 FEET; THENCE SOUTH 89°58'53" WEST 660.00 FEET TO THE EAST LINE OF WOOD STREET; THENCE NORTH 00°05'00" WEST ALONG SAID EAST LINE 34.84 FEET TO THE NORTH LINE OF BUTLER STREET; THENCE NORTH 65°30'30" WEST ALONG SAID NORTH LINE 18.16 FEET TO THE CENTERLINE OF THE VACATED PORTION OF WOOD STREET, AS RECORDED IN LIBER 1578, PAGE 340, MUSKEGON COUNTY RECORDS; THENCE NORTH 00°05'00" WEST ALONG SAID CENTERLINE 226.59 FEET; THENCE SOUTH 89°55'00" WEST 16.50 FEET TO A POINT ON THE EAST LINE OF LOT 9 OF SAID BLOCK 127 AND THE EXTENSION OF THE LINE BETWEEN LOTS 3 AND 4 OF SAID BLOCK 127, THROUGH SAID LOT 9 OF SAID BLOCK; THENCE NORTH 65°48'50" WEST ALONG THE EXTENSION OF SAID LOT LINE 46.04 FEET TO THE CENTERLINE OF THE 20 FOOT VACATED ALLEY, RECORDED IN LIBER 1460, PAGE 40, LYING IN SAID BLOCK 127; THENCE NORTH 23°56'00" EAST ALONG SAID CENTERLINE 198.97 FEET TO THE SOUTHERLY LINE OF BAYOU STREET; THENCE SOUTH 66°07'09" EAST ALONG SAID SOUTHERLY LINE 169.40 FEET TO THE NORTH LINE OF SAID BLOCK 5; THENCE NORTH 89°58'24" EAST ALONG SAID NORTH LINE 1122.48 FEET TO POINT OF BEGINNING. CONTAINING 12.39 ACRES.

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 30, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

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

January 10, 2002

Hearing; Case 2002-1: Request to rezone property located near Bayou, Butler and Wood Sts. from RT, Two-Family Residential and B-4, General Business to RM-1, Low Density Multiple-Family Residential, by Sterling Development, LLC.

BACKGROUND

Applicant: Sterling Development, LLC

Address/Location of Subject Property: near Bayou, Butler and Wood Streets, north of Adams St.

Current Use: Vacant and Storage

Current Zoning: RT, Two-Family Residential and B-4, General Business

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

STAFF OBSERVATIONS

1. The subject property is located north of and down the hill from the Jackson Hill neighborhood, near Bayou, Butler and Wood Streets, and is also adjacent to Sanford Bayou (see attached survey). The property is currently owned by Donald and Sherry Lou Balcom, and the Sterling Group has a purchase agreement to buy the property.
2. Most of the property is currently zoned RT (Two-Family Residential), with a small portion on the west side zoned as B-4 (General Business). The applicant is proposing to build a multi-unit apartment complex on the site.
3. The Future Land Use Map shows most of the subject property to be Open Space, with a small portion on the east side shown as Woodlands.
4. The Master Land Use Plan doesn't really address this property, but states:
 - ◆ It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening fashion.
 - ◆ Single-family homes are found throughout the sub-area... They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area.
5. The Master Plan recommends for this sub-area:
 - ◆ Housing rehabilitation efforts should be focused in Sub-Area 12.
 - ◆ Clustered commercial development should be confined to the US-31 and Getty Street intersections...

6. The applicant has met with representatives of the Jackson Hill Neighborhood Association to discuss the proposed project. An informal poll was done of the members at the meeting, and the general consensus was to support the project, as long as the developers continue to work with and maintain a relationship with the neighborhood association.
7. A previous request to rezone this property to an industrial district was denied in 1999. Staff feels that the proposed zoning is a much better fit for the area, since most of the property is already zoned for two-family, and it is adjacent to a residential neighborhood.
8. The current RT zoning would allow a density of 10 units per buildable acre. The RM-1 district allows a density of 16 units per buildable acre. The higher density is required for the project being proposed by the applicant.
9. The Jackson Hill neighborhood does not currently contain any apartment complexes. There are complexes in adjacent neighborhoods, such as the Muskegon Townhouse and Oakwood Village developments in the Marquette neighborhood, and the Cogic Village development in Angell neighborhood. The subject property is located on the opposite side of the Jackson Hill neighborhood from any of these existing multi-family developments.

ORDINANCE EXCERPTS

ARTICLE VI - RT TWO FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RT Two Family Residential Districts are designed to be compatible with one (1) family residential densities, and to be located along major thoroughfares so as to provide transition between the thoroughfare and one (1) family district. The RT zones of transition between higher density RM and MHP Districts, or nonresidential districts, and low density one (1) family residential districts.

SECTION 600: PRINCIPAL USES PERMITTED

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

1. One and two family detached dwellings.
2. Municipal, county, state, or federal buildings or properties of public service types, not including storage yards, warehouses, or garages, provided that no such building shall be located less than thirty (30) feet from any other lot in a residential district.
3. Cemeteries adjacent to, or an extension of, existing cemeteries.
4. Home Occupations of a nonindustrial nature may be permitted subject to the following:
...
5. Congregate living facility for not more than four persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
6. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.

7. Uses similar to the above Principal Uses Permitted.

SECTION 601: SPECIAL LAND USES PERMITTED

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

1. Accredited fraternity or sorority houses, when located not less than twenty (20) feet from any other lot in any R District.
2. Access driveway or walk connecting premises in a B or M District with one or more public streets provided no part of such driveway shall be located at a distance greater than thirty (30) feet from any boundary line of any said districts nor at a distance less than ten (10) feet of the side lot line of an adjoining lot, which lot is in any residential district, and provided that between such driveway and any such side lot line, but not within ten (10) feet of the front lot line, there shall be maintained a solid wall or front fence, or a compact evergreen hedge not less than five (5) feet high.
3. Tourist homes having not more than two (2) guest rooms, provided the premises front on a street which is officially designated as a major thoroughfare or collector thoroughfare.
4. The office of the resident physician, dentist, architect, engineer, attorney, or similar professional person when located within this dwelling, provided not more than one (1) person not a resident in said dwelling is employed in such office.
5. Schools and colleges for academic instruction, provided that no principal building shall be located less than thirty (30) feet from any other lot in an R District.
6. Private noncommercial recreation areas, institutional or community recreation centers provided that any principal building used therefor shall be located not less than thirty (30) feet from any other lot in any R District, subject to provisions of Section 401 - 1 (a through f).
7. Churches and other facilities normally incidental thereto subject to the following conditions:

...
8. Congregate living facility for not more than six persons provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
9. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:

...
10. Accessory buildings and accessory uses customarily incidental to the above Special Land Use Permitted.
11. Uses similar to the above Special Land Uses Permitted.
12. Restricted parking areas subject to provisions of Section 2327(1).

SECTION 602: PLANNED UNIT DEVELOPMENTS

...

SECTION 603: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.
3. Stores selling second hand merchandise.
4. Funeral homes.
5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:
...
7. Self service laundry and dry cleaning establishments.
8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
10. Theaters, when completely enclosed.
11. Banks, with or without drive-in facilities.
12. Restaurants and cocktails lounges.
13. Motels and hotels.
14. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
15. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.

16. Principal Use as permitted in B-2 Districts.
17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following.
...
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:
...
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:
...
5. Outdoor theaters subject to the following conditions:
...
6. Private clubs, lodges, social and similar facilities.
7. Churches and other facilities normally incidental thereto subject to the following conditions:
...
8. Commercial Kennels.
9. Mini Storage (warehouse facilities); (amended 10/98)
...
10. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
11. Uses similar to the above Special Land Uses Permitted.
12. Non-accessory signs provided that the signs conform to Section 2308 (1) (f) of this code.

SECTION 1302: PLANNED UNIT DEVELOPMENTS

...

SECTION 1303: AREA AND BULK REQUIREMENTS [amended 4/00]

...

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

PREAMBLE

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

SECTION 700: PRINCIPAL USES PERMITTED

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

1. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Tourist homes having not more than two (2) guest rooms provided the premises fronts on a street which is officially designated as a major thoroughfare or collector thoroughfare.
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
...
7. Home occupations of a nonindustrial nature may be permitted subject to the following:
...
...
8. Congregate living facility for not more than six persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
9. Adult foster care facility for not more than six persons.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
11. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED

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

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

1. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.
2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.
3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.
4. The office of a resident physician, dentist, architect, engineer, attorney, or similar professional person when located within his dwelling, provided that not more than one (1) person not a resident in said dwelling is employed in such offices.
5. Hospitals, sanitariums, and convalescent or nursing homes.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
7. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.
9. Restricted parking areas subject to provision of Section 2327.1.

SECTION 702: PLANNED UNIT DEVELOPMENT

...

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

...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City.**
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**

COMMISSION MEETING DATE: January 22, 2002

TO: Honorable Mayor and City Commissioners
FROM: Civil Service
DATE: January 11, 2002
RE: Seasonal & Temporary Services Provider

SUMMARY OF REQUEST:

Approval of provider contract for seasonal and temporary employment services.

*RFP solicitation resulted in three proposals, which were due December 4, 2001.
Proposals were received from:*

Kelly Services, Inc.; 17088 Robbins Rd., Suite B; Grand Haven MI 49417

MANPOWER; 20 West Muskegon Avenue; Muskegon, MI 49440-1317

WISE Services, Inc.; 600 Beacon Blvd., Suite C; Grand Haven, MI 49417

A committee consisting of managers and users reviewed proposals and interviewed bidder representatives. While Kelly Services was the low bidder, the decision to was not made exclusively on that factor. Overall, Kelly Services presented the most desirable package in terms of flexibility, responsiveness, hiring and orientation process, references, and commitment to equal employment opportunity.

FINANCIAL IMPACT:

Seasonal and temporary services are projected to cost approximately \$550,000 during 2002.

BUDGET ACTION REQUIRED:

Financial resources are allocated in the 2002 budget.

STAFF RECOMMENDATION:

Staff recommends adopting the committee's decision to award the seasonal and temporary services contract to Kelly Services, Inc.

COMMITTEE RECOMMENDATION:

The committee is recommending Kelly Services, Inc., be awarded the contract.

TO: Mayor Warmington and City Commissioners
FROM: Karen Scholle, Civil Service Personnel Director
DATE: January 14, 2002
RE: Summary of Seasonal and Temporary Services Provider RFP Process

The RFP was prepared and mailed to five area employment services providers:

Kelly Services, Inc.; 17088 Robbins Rd., Suite. B; Grand Haven, MI 49417
Labor Ready; 563 W Western Avenue; Muskegon, MI 49440
MANPOWER; 20 W Muskegon Avenue; Muskegon, MI 49440
OfficeTeam; 348 Waverly Rd., Suite 2B; Holland, MI 49423
Spherion; 349 W Webster Avenue; Muskegon, MI 49440

The two RFP public notices placed in *The Muskegon Chronicle* by the City Clerk's office, as required, yielded one request for a bid package from:

WISE Services, Inc.; 600 Beacon Blvd., Suite C; Grand Haven, MI 49417

The bids were due at 2:00 p.m. on Tuesday, December 4, 2001 in the City Clerk's office. Bids were received from:

Kelly Services, Inc.
MANPOWER
WISE Services, Inc.

A summary sheet and copies of the bidder proposal sheets are attached.

Available members of the Bid Review Committee (Pat Bice, Public Works Administrative Office Supervisor; Ric Scott; Lee Slaughter; and Karen Scholle, Civil Service Personnel Director) met on December 5 and reviewed the bid proposals. In order to refine issues, it was decided to interview representatives from each of the contending organizations.

Bidder interviews were held on December 14, 2001. In attendance were Pat Bice; Terees Williams, Public Works Clerk; Ric Scott; Tim Paul; Bernadette Young; Lee Slaughter; and Karen Scholle.

Available committee members met for a final time on January 3, 2002. Discussion focused on factors such as bidder flexibility, particularly in working with City supervisors; responsiveness to City requirements; coordination of the hiring and orientation process; reference information obtained on bidders; and depth of commitment to equal employment opportunity—in addition to bid quotations. As a result, the committee recommends that the seasonal and temporary services provider contract be awarded to Kelly Services, Inc.

2001 TEMPORARY SERVICES BIDDERS' PROPOSAL COMPARISONS

Bidder	Local Office	Hiring Process	Background Checks Available	Drug Screen Included?	Training Provided	Safety Equipment Included?	Employee Benefits	EEO/AA	City Referral Rate	Bidder Referral Rate
Kelly Services	Grand Haven	Apply & Qualify	Criminal history	Yes, 5-panel	Orientation	Safety glasses	31st day of employment	Yes	125%	131.90%
		Interview	Credit check		Safety	Leather gloves				
		Evaluations	Motor vehicle record		Additional	Hearing protection				
		Orientation	Social Security #			Safety vest				
		Assignment	Education			Rain gear				
			I-9			Hard hats				
			Additional							
MANPOWER	Muskegon	Application	I-9	Yes, 5-panel	Orientation	Hard hats	After 30 days of work; 1st day of next month	Yes	129.5-134%, 156%*	134-137%, 156%*
		Interview	Employment history		Safety	Safety glasses				
		Testing	Work history		Quality	Work gloves				
		Orientation/Training	Education		Additional	Ear plugs				
		Assignment	Criminal convictions			2 MANPOWER shirts				
			Additional			Rain poncho				
									156%= Beach Maintenance Worker	
WISE Services, Inc.	Grand Haven	Application	3 business references	Yes	Orientation	Yes	After 90 days of work	Yes	128%	131%
		Interview	2 personal references		Safety					
		Testing	Criminal history		Additional					
		Background Check	Additional							
		Applicant Evaluation								
		Orientation								
		Assignment								

CITY OF MUSKEGON

Request for Proposals

The City of Muskegon is requesting sealed proposals for a temporary employment services provider.

Due Date: Tuesday, December 4, 2001
2:00 p.m. (EST) at the office of the City Clerk
City of Muskegon
933 Terrace Street, Room 109
P. O. Box 536
Muskegon, MI 49443-0536

Format: Bidders must quote on the attached Quotation Summary form and return the entire Quotation Request in tact.

All costs must be included in the rates quoted on the Quotation Summary page.

Quotations must be sealed and marked "**Temporary Employment Services Quotation**" in the lower right-hand corner of the envelope.

The bidder's name and address must appear on the outside of the envelope.

No late quotations will be accepted.

Vendors submitting quotations will be notified of the quotation results.

Opening: An internal selection committee will review the RFP responses. Proposals will be evaluated on the quality of the proposal, estimated costs, experience in the industry, and compliance with terms. Any bidder submitting a proposal may be required to make an oral presentation of their proposal.

Right to Reject: The City reserves the right to accept or reject any or all proposals, waive any irregularities therein, and to award the contract to other than the low bidder.

Proposals must be prepared according to the attached specifications.

The City operates on an equal opportunity/affirmative action basis in its quoting policy (Title VII, Civil Rights Act of 1964, Equal Opportunity Clause, Executive Order 11246, Chapter 60, Subpart A, 60 – 1.4, Revised Order No. 4). Quoting is open to all interested parties, in compliance with national, state, and local laws.

REQUEST FOR PROPOSALS

Qualifications of Temporary Employment Services Provider

Contract Period: The contract will be for a period of three years, beginning January 1, 2002 through December 31, 2004, with the option to renew on a yearly basis, if agreed upon by both parties.

Temporary service providers shall submit a company resume indicating, but not limited to, the following:

1. Business name, address, etc., including licensing information.
2. Names of contact persons, how to reach them, and their relevant experience/background.
3. Number of years in the temporary services business as well as size and structure of the organization, including evidence that the bidder has the resources available to provide temporary services as needed by the City. Also, please indicate turnaround time required for filling job orders.
4. A description of time keeping and invoicing practices, as well as payment terms.
5. A description of your pre-employment process, including:
 - a) Applicant credentials required for employment.
 - b) Background checks performed, if any.
 - c) Type of physical exam performed, if any.
 - d) Drug screening performed, if any.
 - e) Description of safety training program, if any.
6. Proof of compliance with EEOC guidelines by submission of appropriate testing and selection criteria, a copy of the bidder's latest EEO-1 report, and an affirmative action program statement/plan.
7. Certificate of Insurance showing proof of workers' compensation insurance and general liability insurance, which names the City of Muskegon as additional insured in an amount not less than \$1,000,000.
8. Three business references, including contract names and phone numbers, for which you have provided larger-scale temporary employment services (50 or more temporary workers).

Please address questions concerning the RFP to: Karen Scholle
Civil Service Personnel Director
City of Muskegon
933 Terrace Street
Muskegon, MI 49443-0536
Telephone (231) 724-6719
Fax (231) 724-4405
E-mail karen.scholle@postman.org

QUOTATION SUMMARY

The City of Muskegon is seeking bids for temporary employment services on an "as-needed" basis for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral: % of Entry Level Hourly Rate*</u>	<u>Bidder Referral: % of Entry Level Hourly Rate**</u>
1. Account Clerk (25 requisitions in 2001) (21 requisitions in 2000) (15 requisitions in 1999)	_____	_____
2. Administrative Secretary (11 requisitions in 2001) (10 requisitions in 2000) (3 requisitions in 1999)	_____	_____

The City of Muskegon also is seeking bids for temporary employment services for summer help for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral: % of Entry Level Hourly Rate*</u>	<u>Bidder Referral: % of Entry Level Hourly Rate**</u>
1. Seasonal Laborer (10 positions in 2001; 7 positions in 2000)	_____	_____
2. Seasonal Maintenance Worker (38 positions in 2001; 42 positions in 2000)	_____	_____
2. Seasonal Leisure Services Maintenance Worker (3 positions in 2001; 4 positions in 2000)	_____	_____
4. Seasonal Beach Maintenance Worker (1 position in 2000; 1 position in 2001)	_____	_____

Bids also are sought for classifications not listed above. Bids should be expressed as a percentage of the City's entry-level hourly rate for a classification.

1. Where the City refers a candidate to the vendor for employment:	_____	_____
2. Where the bidder provides an employee through its own resources:	_____	_____

*City identifies and refers an employee to the bidder for employment.

**Bidder provides an employee through its own resources.

CITY OF MUSKEGON

Temporary Services Usage 1998-2001

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001YTD</u>
<u>Office:</u>				
	\$203,059	\$76,362	\$ 72,116	\$ 59,185
	Not Available	18 job orders	31 job orders	36 job orders
 <u>Seasonal:</u>				
	N/A	N/A	\$406,469	\$418,794
			54 positions	52 positions
 TOTALS:				
	\$203,059	\$76,362	\$478,585	\$477,979

CERTIFICATION OF QUOTATION

I certify that this quote is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a quotation for the same materials, supplies, equipment, or service.

I certify that this quote meets or exceeds all of the specifications contained herein, and is in all respects fair and without collusion or fraud.

I understand collusive quoting is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

I agree to abide by all conditions of this quotation and certify that I am authorized to sign for the bidder.

Bidder Name _____

Address _____

Signature _____

Printed Name _____

Title _____

Date Certified _____

CITY OF MUSKEGON
TEMPORARY SERVICES
JOB DESCRIPTION

TITLE: ACCOUNT CLERK

General Summary:

Under the supervision of a higher level employee, prepares statements of payments for water and sewer service, receives requests for services, provides information on account status and resolves complaints and problems. Or, performs a variety of account keeping tasks for a department involving collection of fees, posting of transactions and recording of departmental costs and payroll.

Typical Duties:

1. In the Water and Sewer Billing Office;
 - a. Processes applications for the establishment of new water and sewer service accounts.
 - b. Updates water and sewer accounts to reflect changes in customer name or meter number.
 - c. Receives cash payments and makes change, as necessary.
 - d. Assists in balancing daily cash receipts to bills paid. Assists in preparing daily cash receipt sheet, bank deposit and cash drawer for the following day.
 - e. As necessary, locates billing discrepancies and prepares account adjustments.
 - f. Records and relays to water and sewer crew requests to reread meters, install remote readers, repair leaks and turn service on and off. - Prepares work orders.
 - g. Receives complaints and requests for information from irate or disturbed customers. Checks billing history and service records. Explains departmental practices and clarifies billings.
 - h. Operates a computer terminal to maintain or update water consumption records, customer information and payments received.
 - i. Receives and verifies billings prior to mailing, makes corrections and last-minute changes as necessary, and mails bills to customers.
 - j. Performs other related duties as assigned.

2. In a departmental administrative office;
 - a. Participates in the collection of monies due the city for taxes, services, fees and other accounts receivable, both over-the-counter and by mail. Issues receipts and posts transactions to accounts.
 - b. Provides assistance, both over-the-counter and by phone, to persons concerned about taxes, billings, payments, and departmental procedures. Provides information or refers caller to a higher level employee.
 - c. Receives cash payments and makes change, as necessary.
 - d. Assists in balancing daily cash receipts to bills paid. Assists in preparing daily cash receipt sheet, bank deposit and cash drawer for the following day.
 - e. Posts daily receipts, warrants, and various journal entries to the ledger.
 - f. Compiles and calculates data for various periodic financial reports and account records.
 - g. Enters various departmental operating costs on book-keeping machine, such as vehicle and equipment costs, purchases, warehouse orders and gasoline.
 - h. Maintains special assessment records, prepares and mails statements, computes interest and posts interest and principal payments to accounts.
 - i. Compiles information for biweekly departmental payroll, verifies time cards and prepares time sheets for submission to the City payroll office.
 - j. Types and processes records, statements, permits and correspondence as required.
 - k. May operate a two-way radio or serve as relief operator at a switchboard.
 - l. Performs other related duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

CITY OF MUSKEGON
TEMPORARY SERVICES
JOB DESCRIPTION

TITLE: ADMINISTRATIVE SECRETARY

General Summary:

Under the supervision of the Department Director or other Administrators, performs a variety of duties utilizing secretarial and clerical skills necessary to ensure the smooth flow of operations within the department. An employee in this classification must maintain a high degree of confidentiality and be able to exercise discretion in the handling of sensitive information.

Typical Duties:

An employee in this classification may perform any or all of the following duties:

1. Schedules appointments for Department Director and/or support staff.
2. May serve as liaison with Department Director, office staff, other City employees, and/or the general public.
3. Routes mail, telephone calls, and visitors to the appropriate personnel or handles requests for information independently.
4. Prepares agendas, may compile and distribute materials per agenda as well as taking and transcribing meeting minutes.
5. Prepares and processes correspondence, records, documents, reports, statements, billing, and permits.
6. Orders supplies and equipment and maintains departmental inventory. May be required to process purchase orders when necessary.
7. Delegates work assignments to clerical support staff. Acts as coordinator in resolving clerical tasks.
8. Maintains active files in department for personnel with regards to evaluations, leave accruals, disciplinary actions, or grievance procedures, and compiles data, re: seniority lists, E.E.O. Reports, employment eligibility lists, etc.
9. May need to make travel arrangements for City management staff as well as schedule City automobiles for out-of-town travel.
10. May be required to prepare documents and/or reports using a P.C. or a word processor.

Typical Duties (continued)

11. Compiles information for bi-weekly departmental payroll, verifies time cards and prepares time sheets for the submission to the Finance Department; verifies payroll and personnel records.
12. Compiles and calculates data for various personnel reports, financial reports, account records, and budget projection.
13. Follows up on complaints, correspondence, and transactions involving deadlines and expiration dates.
14. Other related duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

City of Muskegon

JOB DESCRIPTION

TITLE: LABORER (Seasonal)

General Summary:

Under the direction of a Leisure Services Department Supervisor, performs a variety of unskilled manual tasks in the maintenance of City Leisure Services Facilities.

Typical Duties:

1. Cleans restrooms.
2. Prepares softball and baseball fields.
3. Cuts grass using a power mower and trimmer.
4. Waters grass using hoses and sprinklers.
5. Trims brush where needed.
6. Picks up fallen limbs and twigs.
7. Collects litter.
8. Rakes leaves with hand and power implements.
9. Paints and/or prepares surfaces for painting.
10. May be assigned to assist Cemetery and/or Park Maintenance Workers.
11. Practices preventive maintenance on power and hand tools.
12. Performs other related duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

Employment Qualifications:

Education: Work requires a level of knowledge of reading, writing, and arithmetic below that normally attained in high school graduation.

Experience: This is an entry level classification; no specific prior experience is required. Five months break-in period.

Necessary Special Requirements: Physical strength and agility sufficient to pull and push a lawn mower; lift and carry twigs, trash, lawn sprinklers, picnic tables, and hoses. Possession of a valid Michigan motor vehicle operator's license.

The qualifications listed above are guidelines. Other combinations of education and experience which could provide the necessary knowledges, skills, and abilities to perform the job should be considered.

Job descriptions are official records which indicate seniority groupings, primary functions, tools and equipment of various jobs. They are not absolutely controlling upon the assignment of work, nor do they spell out accurately or completely all the duties and responsibilities of a job. Their function is to identify jobs for purposes of wage determination and provide a permanent record of the ratings applied and the principal characteristics of the job.

City of Muskegon

JOB DESCRIPTION

TITLE: MAINTENANCE PERSON (Seasonal)

General Summary:

Under the direction of the Cemetery or Park Supervisor, performs a variety of unskilled manual tasks in the maintenance of City cemetery and park grounds and buildings.

Typical Duties:

1. Cuts grass using a power mower and trimmer.
2. Waters grass using hoses and sprinklers.
3. Picks up fallen limbs and twigs.
4. Trims brush where needed.
5. Collects litter.
6. Rakes leaves with hand and power implements.
7. Prepares softball and baseball fields.
8. Cleans restrooms.
9. Practices preventive maintenance on power and hand tools.
10. Paints.
11. May be assigned to drive up to 3/4 ton city trucks for the purpose of transporting tools, equipment, and personnel.
12. May be assigned to assist Cemetery and/or Park Maintenance Workers.
13. Performs other related duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

Employment Qualifications:

Education: Work requires a level of knowledge of reading, writing, and arithmetic below that normally attained in high school graduation.

Experience: This is an entry level classification; no specific prior experience is required. Three months break-in period.

City of Muskegon

Leisure Services Maintenance Worker (Seasonal)

General Summary:

Under the supervision of the Park Maintenance Supervisor, performs a variety of maintenance or construction tasks which often require physical strength and effort and a relatively low level of complexity and responsibility. Operates various hand and power tools and small pieces of equipment to perform activities.

Typical Duties:

An employee in this classification performs several of the following duties:

1. Performs a variety of unskilled and semi-skilled duties to assist in the construction, repair and maintenance of city-owned and operated parks, campgrounds, marina, beach and various other parks and recreation related grounds, facilities and equipment.
2. Mows and trims grass, trees and shrubs on all City grounds and parks, using various hand and power tools and mowers. Seeds and fertilizes grass areas, weeds flower and shrub areas. Rakes and hauls leaves using rakes and leaf blowers, moves dirt and rocks as instructed.
3. Utilizes various basic carpentry and mechanical skills in the construction of new, and restoration and maintenance of existing park buildings, facilities and related equipment.
4. Assists in the routine maintenance of the various building mechanical systems, repairing and/or replacing pumps and motors, changing belts, filters and lubricating various moving parts.
5. Assists in the inspection of various related Parks and Recreation Department buildings and facilities, monitoring conditions, noting needed repairs and maintenance. Performs various maintenance tasks such as minor equipment repairs, repairs and/or replaces locks, replaces light bulbs and fluorescent fixtures.
6. Participates in the clean-up of work projects, filling and excavating ditches, laying sod and removing any extra dirt and materials.
7. Picks up litter from rights-of way, parks and other city-owned grounds.
8. Cleans shelters and restrooms of park facilities, replenishing supplies and making minor repairs as necessary.

9. Prepares ball diamonds for use, mowing grass, dragging infield to level and lining foul lines and batter boxes.
10. Removes snow from around related Parks and Recreation Department facilities in winter, plowing parking lots and opening sidewalks to keep cement and pavement free from ice.
11. Operates small utility and dump truck to transport necessary materials, loads and unloads vehicles with a variety of equipment, tools and materials to be used for maintenance, repair and construction activities.
12. Performs both minor repairs and routine maintenance on equipment such as tune-ups, greasing, oiling, sharpening mower blades, etc., as assigned on a periodic basis.
13. Maintains records of equipment and supplies used during work assignments preparing daily time slips.
14. May operate vehicle, serving as courier, running errands, obtaining or delivering various materials and/or information.
15. May be required to take courses and attend workshops for training purposes.
16. May perform other related maintenance duties in a training capacity or as necessary due to excessive work loads, temporary absences or emergencies. May operate other pieces of equipment in a learning capacity.
17. Performs other duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

Employment Qualifications:

Education: Possession of a high school diploma or its equivalent.

Experience: A minimum of three to six months of general building maintenance construction and repair experience or equivalent. Six months break-in period.

Necessary Special Requirements: Possession of a valid Michigan motor vehicle operator's license.

The qualifications listed above are guidelines. Other combinations of education and experience which could provide the necessary knowledges, skills and abilities to perform the job should be considered.

Job descriptions are official records which indicate seniority groupings, primary functions, tools and equipment of various jobs. They are not absolutely controlling upon the assignment of work, nor do they spell out accurately or completely all the duties and responsibilities of a job. Their function is to identify jobs for purposes of wage determination and provide a permanent record of the ratings applies and the principal characteristics of the job.

O:civil\common\lsmwl job desc

City of Muskegon

JOB DESCRIPTION

TITLE: BEACH MAINTENANCE WORKER (SEASONAL)

General Summary:

Under the supervision of the Park Supervisor, performs a variety of beach maintenance, repair and cleaning tasks. Duties often require physical strength and effort and a relatively low level of complexity and responsibility. Operates clean-up equipment; various hand and power tools relative to small repair and maintenance responsibilities.

Typical Duties:

An employee in this classification generally performs the following duties:

1. Performs a variety of unskilled and semi-skilled duties involving the maintenance and clean-up of beach areas and their facilities. Involves the use of equipment such as surf rake, tractor and attachments, loader, small dump trucks, fork lift, power blower etc.
2. Grooms beaches and surrounding areas, may involve some sand distribution involving the use of equipment such as dump truck, tractor etc.
3. Mows and trims grass, trees and shrubs in beach areas, using various hand and power tools and mowers. Seeds and fertilizes grass areas, weeds flower and shrub areas. Rakes and Hauls leaves using rakes and leaf blowers, moves dirt and rocks as directed.
4. Performs custodial duties in and around public restrooms, such as replenishment of supplies, collecting and hauling garbage.
5. Utilizes various basic carpentry and mechanical skills in the construction of new, and existing park buildings and facilities for purposes of restoration and maintenance such as lock and window repair, painting etc.
6. Picks up litter from rights-of-way in and around beach areas.
7. Performs minor repair and routine maintenance on equipment involving tune-ups, greasing, oiling, sharpening mower blades etc., as assigned on a periodic basis.
8. May operate a vehicle, running errands, obtaining or delivering various supplies and/or materials.

SEASONAL BEACH MAINTENANCE WORKER - page 2

9. May perform other related maintenance duties on an as-needed basis due to excessive work loads, temporary absences or emergencies. May operate additional pieces of equipment as assigned.
10. Performs other related duties as assigned.

The above statements are intended to describe the general nature and level of work being performed by people assigned this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

Employment Qualifications:

Education: Possession of a high school diploma or its equivalent is desired.

Experience: Must be experienced in the operation of tractors, front end loaders, and dump trucks.

Necessary Special Requirements: Possession of a valid Michigan motor vehicle operator's license. Must possess a CDL driving endorsement within 30 days of first day of employment.

The qualifications listed above are guidelines. Other combinations of education and experience which could provide the necessary knowledges, skills and abilities to perform the job should be considered.

Job descriptions are official records which indicate seniority groupings, primary functions, tools and equipment of various jobs. They are not absolutely controlling upon the assignment of work, nor do they spell out accurately or completely all the duties and responsibilities of a job. Their function is to identify jobs for purposes of wage determination and provide a permanent record of the ratings applied and the principal characteristics of the job.



The City of Muskegon and Kelly Services, Inc.

Request for Proposal
December 4, 2001

Kelly Services, Inc. considers this document, and any attached information or pricing information submitted with it, confidential and proprietary information to Kelly, and provides it to your company for its sole use. Access to this document should be restricted exclusively to authorized employees.

©2001 Kelly Services, Inc. Printed in the United States of America

Product names are trademarks of their respective companies.

QUOTATION SUMMARY

The City of Muskegon is seeking bids for temporary employment services on an "as-needed" basis for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral: % of Entry Level Hourly Rate*</u>	<u>Bidder Referral: % of Entry Level Hourly Rate**</u>
1. Account Clerk (25 requisitions in 2001) (21 requisitions in 2000) (15 requisitions in 1999)	<u>125%</u>	<u>131.9%</u>
2. Administrative Secretary (11 requisitions in 2001) (10 requisitions in 2000) (3 requisitions in 1999)	<u>125%</u>	<u>131.9%</u>

The City of Muskegon also is seeking bids for temporary employment services for summer help for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral: % of Entry Level Hourly Rate*</u>	<u>Bidder Referral: % of Entry Level Hourly Rate**</u>
Seasonal Laborer (10 positions in 2001; 7 positions in 2000)	<u>125%</u>	<u>131.9%</u>
2. Seasonal Maintenance Worker (38 positions in 2001; 42 positions in 2000)	<u>125%</u>	<u>131.9%</u>
3. Seasonal Maintenance Worker (3 positions in 2001; 4 positions in 2000)	<u>125%</u>	<u>131.9%</u>
2. Seasonal Maintenance Worker (1 position in 2001; 1 position in 2000)	<u>125%</u>	<u>131.9%</u>

Bids also are sought for classifications not listed above. Bids should be expressed as a percentage of the City's entry-level hourly rate for a classification.

1. Where the city refers a candidate to The vendor for employment:	<u>125%</u>	<u>131.9%</u>
2. Where the bidder provides an employee through its own resources:	<u>125%</u>	<u>131.9%</u>

*City identifies and refers an employee to the bidder for employment.

** Bidder provides an employee through its own resources.

CERTIFICATION OF QUOTATION

I certify that this quote is made without prior understanding, agreement or connection with any corporation, firm, or person submitting a quotation for the same material, supplies, equipment, or service.

I certify that this quote meets or exceeds all of the specifications contained herein, and is in all respects fair and without collusion or fraud.

I understand collusive quoting is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

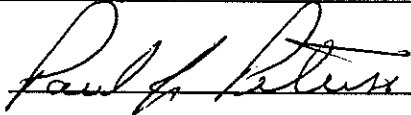
I agree to abide by all conditions of this quotation and certify that I am authorized to sign for the bidder.

Bidder Name Kelly Services, Inc.

Address 999 W. Big Beaver Rd.

Troy, MI 48084

Signature



Printed Name Paul Petersen

Title District Manager

Date Certified December 2, 2001

MANPOWER®

**Proposal For The
City Of Muskegon
December 4, 2001**

QUOTATION SUMMARY

The City of Muskegon is seeking bids for temporary employment services on an "as-needed" basis for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral: % of Entry Level Hourly Rate*</u>	<u>Bidder Referral: % of Entry Level Hourly Rate**</u>
1. Account Clerk (25 requisitions in 2001) (21 requisitions in 2000) (15 requisitions in 1999)	<u>1.30</u>	<u>1.345</u>
2. Administrative Secretary (11 requisitions in 2001) (10 requisitions in 2000) (3 requisitions in 1999)	<u>1.295</u>	<u>1.34</u>

The City of Muskegon also is seeking bids for temporary employment services for summer help for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral: % of Entry Level Hourly Rate*</u>	<u>Bidder Referral: % of Entry Level Hourly Rate**</u>
1. Seasonal Laborer (10 positions in 2001; 7 positions in 2000)	<u>1.34</u>	<u>1.37</u>
2. Seasonal Maintenance Worker (38 positions in 2001; 42 positions in 2000)	<u>1.33</u>	<u>1.36</u>
3. Seasonal Leisure Services Maintenance Worker (3 positions in 2001; 4 positions in 2000)	<u>1.33</u>	<u>1.36</u>
4. Seasonal Beach Maintenance Worker (1 position in 2000; 1 position in 2001)	<u>1.56</u>	<u>1.56</u>

Bids also are sought for classifications not listed above. Bids should be expressed as a percentage of the City's entry-level hourly rate for a classification.

1. Where the City refers a candidate to the vendor for employment:	<u>1.32</u>	<u></u>
2. Where the bidder provides an employee through its own resources:	<u></u>	<u>1.35</u>

*City identifies and refers an employee to the bidder for employment.

**Bidder provides an employee through its own resources.

***See attached Preferred Pricing sheet

CERTIFICATION OF QUOTATION

I certify that this quote is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a quotation for the same materials, supplies, equipment, or service.

I certify that this quote meets or exceeds all of the specifications contained herein, and is in all respects fair and without collusion or fraud.

I understand collusive quoting is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

I agree to abide by all conditions of this quotation and certify that I am authorized to sign for the bidder.

Bidder Name MANPOWER

Address 20 W. Muskegon Avenue

Muskegon, Michigan 49440-1317

Signature _____

Printed Name Annette W. Jack

Title District Manager

Date Certified December 4, 2001

PROPOSAL PREPARED FOR:

THE CITY OF MUSKEGON

**Attention: Karen Scholle,
Civil Service Personnel Director**

**PROPOSAL REFERENCE: TEMPORARY
EMPLOYMENT SERVICES QUOTATION**

PROPOSAL DUE: DECEMBER 4, 2001 @ 2:00PM

SUBMITTED BY:

**WISE SERVICES, INC.
600 S. BEACON BLVD., STE. C
GRAND HAVEN, MI 49417
TEL: (616) 842-2996
FAX: (616) 842-2239**

QUOTATION SUMMARY

The City of Muskegon is seeking bids for temporary employment services on an "as-needed" basis for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral:</u> <u>% of Entry</u> <u>Level Hourly Rate*</u>	<u>Overtime</u>	<u>Bidder Referral:</u> <u>% of Entry</u> <u>Level Hour Rate**</u>	<u>Overtime</u>
1 Account Clerk (25 requisitions in 2001) (21 requisitions in 2000) (15 requisitions in 1999)	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>
2 Administrative Secretary (11 requisitions in 2001) (10 requisitions in 2000) (2 requisitions in 1999)	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>

The City of Muskegon also is seeking bids for temporary employment services for summer help for the following job classifications (job descriptions are attached):

<u>Classification</u>	<u>City Referral:</u> <u>% of Entry</u> <u>Level Hourly Rate*</u>	<u>Overtime</u>	<u>Bidder Referral:</u> <u>% of Entry</u> <u>Level Hour Rate**</u>	<u>Overtime</u>
1 Seasonal Laborer (10 positions in 2001; 7 positions in 2000)	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>
2 Seasonal Maintenance Worker (38 positions in 2001; 42 positions in 2000)	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>
3 Seasonal Leisure Services Maintenance Worker (3 positions in 2001; 4 positions in 2000)	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>
4 Seasonal Beach Maintenance Worker (1 position in 2000; 1 position in 2001)	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>

Bids also are sought for classifications not listed above. Bids should be expressed as a percentage of the City's entry-level hourly rate for a classification.

1 Where the City refers a candidate to the vendor for employment	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>
2 Where the bidder provides an employee through its own resources	<u>28%</u>	<u>26%</u>	<u>31%</u>	<u>29%</u>

*City identifies and refers an employee to the bidder for employment.

** Bidder provides an employee through its own resources.

Addendum to Quotation Summary:

If required by the **City of Muskegon**, any other specialty, technical or professional job orders will receive the following discounted rate: **10% flat rate**.

Classifications:

Department Managers
Department Supervisors
Executives
Engineers

Percent of flat annual fee:

Ten (10) % discounted rate.

CERTIFICATION OF QUOTATION

I certify that this quote is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a quotation for the same materials, supplies, equipment, or service.

I certify that this quote meets or exceeds all of the specifications contained herein, and is in all respects fair and without collusion or fraud.

I understand collusive quoting is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

I agree to abide by all conditions of this quotation and certify that I am authorized to sign for the bidder.

Bidder Name WISE SERVICES, INC.

Address GRAND HAVEN BRANCH, 600 S. BEACON BLVD., GRAND HAVEN, MI 49417

CORPORATE: 200 ADMIRAL, PORTAGE, MI 49002

Signature Ann Swartout - KES

Printed Name ANN SWARTOUT

Title PRESIDENT

Date Certified DECEMBER 3, 2001

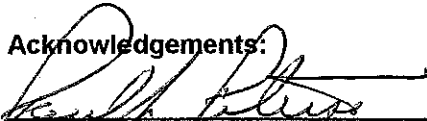


Service Agreement

The following serves as an elaboration of the agreement for contingent staffing between Kelly Services Inc. and The City of Muskegon:

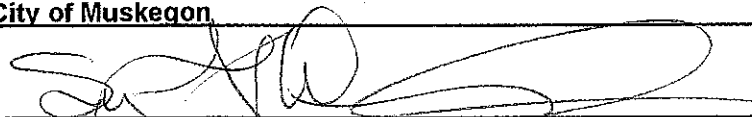
- Kelly Services will provide safety equipment mandated for its employees while on assignment at The City of Muskegon. The issue and expense of this equipment will be the responsibility of Kelly Services. Included equipment:
 - Hard Hats
 - Hearing protection
 - Safety Glasses
 - Steel Toed shoes/boots
 - Protective Gloves
 - Rain Poncho
- Kelly Services Inc. will perform drug screens on all non-clerical employees. Additionally, Kelly Services will perform applicable county criminal and driving record background checks on all employees assigned to The City of Muskegon. The fore-mentioned services will be performed at no charge. Additional driving record verification will be accomplished with the assistance of the City of Muskegon.
- End users for the City of Muskegon have the opportunity to review credentials and confirm the ability of the referred candidate's ability to accomplish the essential functions of position for which they will be assigned.
- For service deliverables, applicable waivers, insurance coverage and additional details, please refer to Kelly Services' Proposal dated December 4th, 2001. The Proposal is incorporated into this Service Agreement. Certain provisions originally presented by Kelly with the proposal have been deleted, formerly found in the "Attachment 3". They include the "Motor Vehicle Driver Release and Indemnification", and the "Powered Vehicle Driver Release and Indemnification". A revised "Motor Vehicle Release", as negotiated by the parties, has been substituted and inserted as the new "Attachment 3".

Acknowledgements:

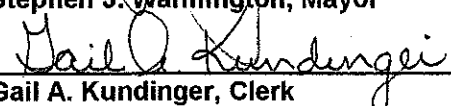


Paul J. Petersen – District Manager
Kelly Services, Inc. - Grand Rapids

City of Muskegon



Stephen J. Warmington, Mayor



Gail A. Kunding, Clerk

February 22, 2002

Date



Revised Motor Vehicle Driver Release

To: City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

From: Kelly Services, Inc.
999 W. Big Beaver Rd.
Troy, MI 48084

For your protection, and in order to provide you with better service, all of the Kelly temporary employees assigned to you are covered under our Workers' Compensation policy, our Fidelity Bond policy to the extent of \$3,000,000 and also under our Liability and Property Damage policy to the extent of \$16,000,000.

However, our rates for service do not include, nor can we accept responsibility for obtaining primary vehicular liability or physical damage insurance protecting against accidents which might occur as a result of Kelly employees driving licensed vehicles (owned or non-owned) while said employees are on assignment to you.

It is our understanding that your vehicular insurance will be primary insurance for both you and us in the event of any claims arising as stated above, and that your limits of liability are not less than \$1,000,000/\$2,000,000 Bodily Injury and \$1,000,000 Property Damage. The said insurance coverage shall only apply if the City or Kelly is determined to be liable as the result of an occurrence caused by the Kelly employee driving a City vehicle or his/her own vehicle in the course of his/her employment during and relating to assignment to the City under this agreement. It does not cover the employee, and will not be construed as personal insurance for the employee. In the event coverage for the employee is determined by a court or tribunal with jurisdiction, the said coverage shall be excess to the employee's personal coverage.

The City's "insurance" is carried in the form of a contract with the Michigan Municipal Risk Management Authority, (MMRMA), and carries a significant retainage (deductible). Currently the retainage is \$75,000.00 per incident, and

10,000,000.00 per claim. In the event payment from the retainage satisfies the City's liability exposure, pro rata satisfaction of Kelly's joint liability exposure by the same payment may occur. Notwithstanding, no part of the retainage shall be available to cover Kelly's separate liability which may arise from any claim to the extent such amount is not applicable or required to pay obligations arising from the City's liability on behalf of the City, or there is a claim based on and seeking separate (non-joint) liability exposure and payment by Kelly. Kelly shall be responsible for any required payment which is not within the amounts covered beyond the retainage by MMRMA, and arises out of Kelly's liability, if any. It is the intention of the parties that Kelly is added to the City's coverage only to the extent that the proceeds of the MMRMA contract outside the retainage are available to pay for relevant liability - based obligations of Kelly.

In no case shall the City indemnify Kelly for any liability. The providing of coverage under the MMRMA contract does not imply any indemnity undertaking by the City.

Acknowledgements:



**Paul J. Petersen – District Manager
Kelly Services, Inc. - Grand Rapids**

City of Muskegon



Stephen J. Warmington, Mayor



Gail A. Kunderger, Clerk

February 22, 2002

Date

Date: January 22, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Building Demo. For Shoreline Dr. East

SUMMARY OF REQUEST:

The contract to demolish five structures at the following locations to H & M Demolition Companies out of Holland;

- Rag & Metal (10 W. Western)
- Captain Hook (685 Ottawa)
- Arts Mall (634 Ottawa)
- Plasma Center (701 Cedar)

H & M were the lowest (see attached bid tabulation) responsive and responsible bidder with a bid price of \$51, 250.

FINANCIAL IMPACT:

The demolishing cost of \$51,250.

BUDGET ACTION REQUIRED:

The cost will be from the budgeted amount for Shoreline Dr.

STAFF RECOMMENDATION:

Award the contract to H & M Demolition Companies.

COMMITTEE RECOMMENDATION:

**B229 - SHORELINE DRIVE EAST BUILDING DEMOLITION
BID TABULATION**

ITEM	DESCRIPTION	H & M DEMOLITION AMOUNT	DIVERSIFIED CONTRACTORS	MACKENZIE ENV SERVICES	SPECIALIZED DEMOLITION	FRANKLIN CONTRACTORS	MELCHING
1	Muskegon Rag & Metal	\$18,700.00	\$25,000.00	\$67,553.20	\$36,558.00	\$49,500.00	\$35,000.00
2	Captain Hook's	\$12,600.00	\$31,300.00	\$26,951.10	\$11,500.00	\$24,600.00	\$15,000.00
3	Art Mall/St. Dennis Art	\$10,000.00	\$12,500.00	\$16,300.90	\$12,500.00	\$16,500.00	\$15,000.00
	SUB TOTAL	\$41,300.00	\$68,800.00	\$110,805.20	\$60,558.00	\$90,600.00	\$65,000.00
4	Plasma Center (Portion)	\$9,950.00	\$30,999.00	\$64,462.20	\$16,000.00	\$14,500.00	\$18,000.00
	GRAND TOTAL	\$51,250.00	\$99,799.00	\$175,267.40	\$76,558.00	\$105,100.00	\$83,000.00

DATE: January 10, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-043 Address: 432 Monroe

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 **432 Monroe** 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: #01-43, 432 Monroe, Muskegon, MI

Location and ownership: This structure is located on Monroe Avenue between Sixth and Seventh Streets. It is owned by Bruce Welch who lives in it with his family.

Staff Correspondence: A dangerous building inspection was conducted on 8/22/01 and a notice and order to repair was issued 9/10/01. This was issued to Daniel Heller along with the notice of the HBA hearing on 10/18/01. At this time Bruce Welch informed the Inspection Department that he was the new owner. At the November HBA meeting Mr. Welch was given 30 days to schedule an interior inspection, apply for permits, and commence with repairs or the case would be forwarded to the City Commission. An interior inspection was conducted 11/14/01. On 12/1/01 a police report was taken at the residence when they were called to act as a peace officer. At this time the officer noted numerous safety issues, unsanitary conditions, and young children living there.

Owner Contact: This office had contact with Mr. Welch in November. Children's Protective Services is involved due to the unsafe and unsanitary conditions found. No further contact has been made with Mr. Welch since that time. No contact has been made by Mr. Heller with this office during the dangerous building process.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$15,400

Estimated cost to repair: \$40,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 22, 2002.

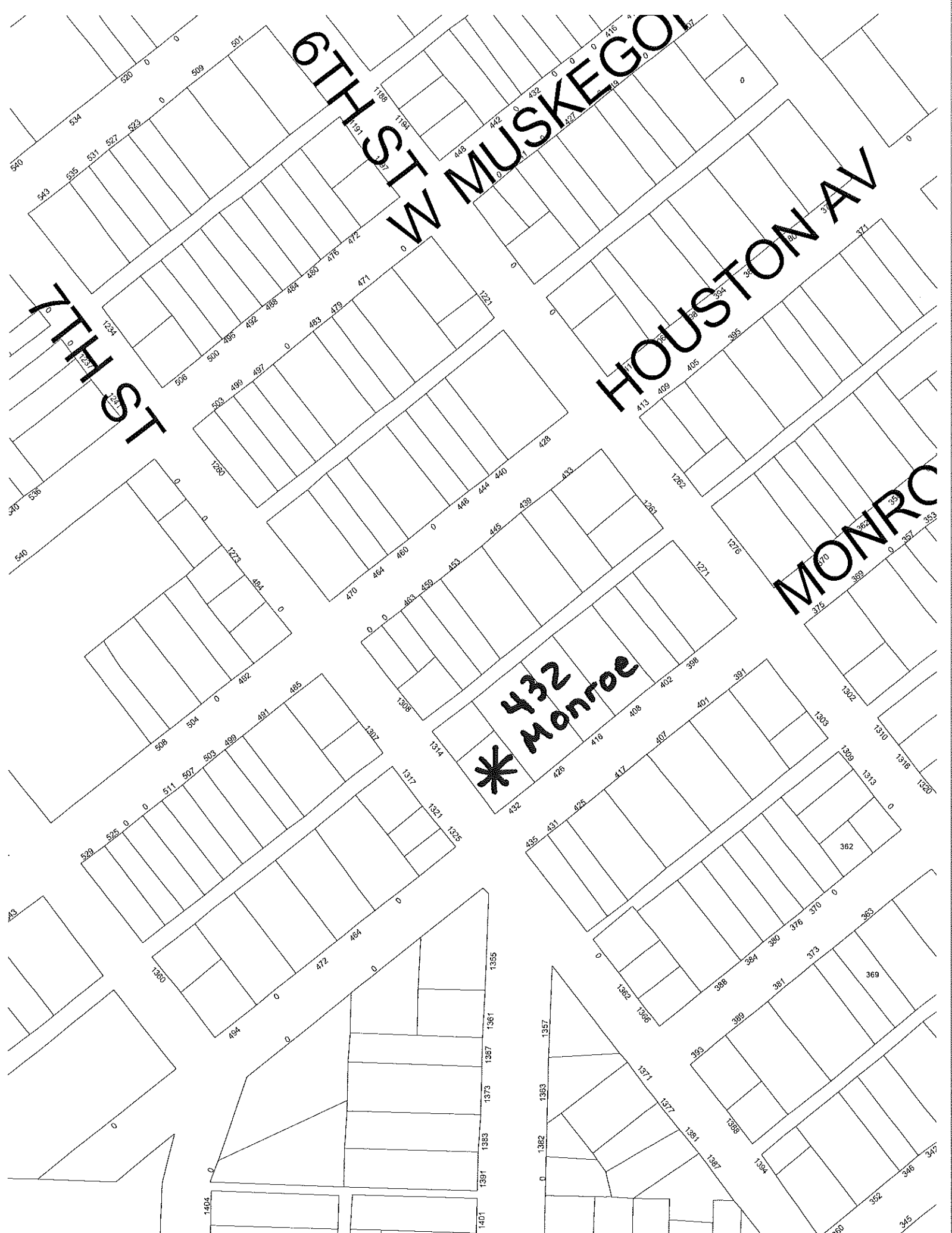
7TH ST

6TH ST
W MUSKEGO

HOUSTON AV

MONROE

* 432 Monroe





432 Monroe
Census #6.02



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100121356
September 6, 2001

1. Beginning Date: 11/21/86, at 8:00 A.M.

Please See Attached Liber 1373, Page 333, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 8/10/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1373, Page 333

Mortgages:

Liber 1874, Page 332

Taxes:

Proof of payment of special assessment for 2001 Sidewalk, due and payable to the City of Muskegon in the amount of \$2,517.50. (Estimated Amount)

Proof of payment of the delinquent water/sewer usage, due and payable to the City of Muskegon in the amount of \$74.33, if paid by September 30, 2001.

Proof of payment of Invoice Charges, due and payable to the City of Muskegon in the amount of \$222.00. (Invoice #9809092; #9811680 and #9817510)

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$513.07, if paid by September 30, 2001. (Base amount - \$462.22)

Note:

No 2001 Summer taxes were assessed.
Permanent Parcel No.: 61-24-205-370-0007-10.
2001 State Equalized Value: \$15,400.00.
2001 Taxable Value: \$8,802.00.
Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Daniel J. Heller and Mary K. Heller, husband and wife

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

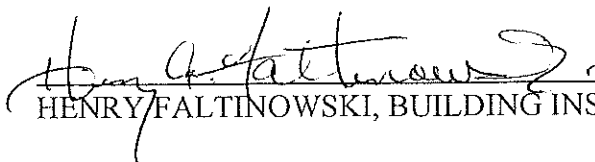
432 Monroe Ave.

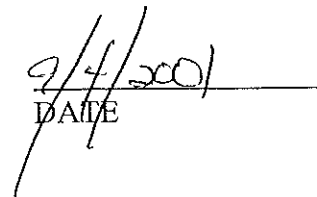
8/22/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Roof covering on entire home deteriorated and failing.
3. Garage and back porch section of roof caving in – roof system needs sheathing, rafters and new roof covering.
4. Missing siding on home – exposed sheathing.
5. Front porch needs structural repair – columns shifting.
6. Doors broken off home.
7. Window maintenance and repair needed on frames and glass.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 10, 2001

Address of the Property: 432 Monroe Muskegon, Michigan

Description of the Structure: S 85 Ft. Lot 7 Blk 370

TO: Daniel & Mary Heller, P.O. Box 181, Hesperia, MI 49421

[Name & Address of Owner]

Huntington Bank, 221 W. Webster, Muskegon, MI 49443
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

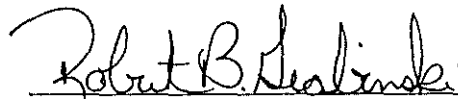
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **432 Monroe**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Fire Marshal/Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: October 18, 2001

Address of the Property: 432 Monroe, Muskegon MI

Description of the Structure: S 85 Ft. Lot 7 Blk 370

TO: Daniel & Mary Heller, P.O. Box 181, Hesperia, MI 49421
[Name & Address of Owner]

Huntington Bank, 221 W. Webster, Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

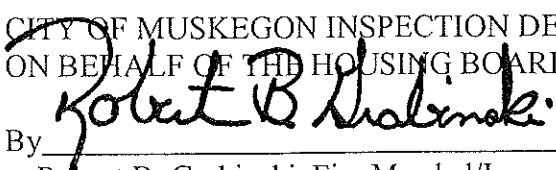
Please take notice that on **Thursday, November 1, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 9/10/01.

At the hearing on Thursday, November 1, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO REPAIR OR DEMOLISH

Date of Order: November 5, 2001

Address of the property: 432 Monroe

Description of the structure: S 85 ft. Lot 7 Blk 370

To: Bruce Welch, 432 Monroe, Muskegon, MI 49441
(Name & Address of Owner)

None
(Names and Addresses of Other Interested Parties)

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely fashion. Therefore, it is ordered that the owner or interested parties shall call for an interior inspection, apply for all permits required and commence the repairs of the conditions found in the inspection report attached to this order within **30 days**. All said repairs shall be accomplished in the time limited by the permits issued relevant to the said repairs, and physical repair must be commenced within the said 30 days of obtaining those permits.

**FAILURE TO COMPLY – DEMOLITION ORDER
TO BE SUBMITTED TO THE CITY COMMISSION**

In the event the owners or interested parties fail to schedule an interior inspection, apply for all permits required to effectuate the said repairs or fail to commence physical repair within **30** days, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structures.

In such case, the Director of Inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board for demolition, and further, to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

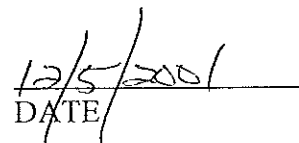
432 Monroe
(INTERIOR INSPECTION)
November 14, 2001

Inspection noted:

1. Light by door incomplete.
2. Circuits over fused.
3. Bedroom lights incomplete.
4. Kitchen light incomplete.
5. Back room wiring substandard.
6. Wiring is generally substandard and should be replaced.
7. Severely cracked floor joists in basement, needs structural repair.
8. Bathroom floor caving in -- could not inspect at this point as areas were blocked off. Need to strip flooring for investigation.
9. Garage roof failing structurally, needs to be rebuilt.
10. Illegal steps to upper -- improper landing -- no guardrail; dangerous.
11. Infestation of animal feces (numerous cats); unbearable smell.
12. Need mechanicals and plumbing certified safe.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

Incident Report

MUSKEGON POLICE DEPARTMENT

2001-029940-I

Incident No 2001-029940-I		Date & Time Rept 12/01/2001 16:56		Offense: 99008 GENERAL ASSISTANCE	
Occurred From: 12/01/2001 16:56		Occurred Until: 12/01/2001 16:56		Incident Location 432 MONROE AV	
Current Disp ARREST		Disposed To CLOSED FELLOWS		Municipality MUSKEGON	
Disposition Date 12/01/2001		Juveniles Only? NO		District 117	
Photos? NO		Consent? NO		Affidavit? NO	
				Optional Date/Time / / 00:00	
Officer Assigned 10557 HEPWORTH, SCOTT JASON				Investigating Officer	

N Assist Officer: R. KITCHEN, Sgt. FELLOWS

O
T
E
S

----- [12/01/2001] --- [16:56] -----
MEET A KIMBERLY BOMGARDNER @ MUPD THEN TO THE MONROE ADDRESS

----- [12/01/2001] --- [17:05] -----
CONVEY OCCURED 12/01/01 @ 17:05:42 TO: 432 MONROE

----- [12/01/2001] --- [17:12] -----
ARRIVED ON CONVEY TO 432 MONROE

----- [12/01/2001] --- [18:04] -----
ARRIVED ON CONVEY TO 432 MONROE

----- [12/01/2001] --- [18:04] -----
CONVEY OCCURED 12/01/01 @ 18:04:19 TO: MUPD

----- [12/01/2001] --- [18:06] -----
ARRIVED ON CONVEY TO MUPD

----- [12/01/2001] --- [18:26] -----
CONVEY OCCURED 12/01/01 @ 18:26:48 TO: COUNTY

----- [12/01/2001] --- [18:27] -----
ARRIVED ON CONVEY TO COUNTY

NAME: LT LORD

OFFENSE: POFC Peace Officer

=CAD TIMES: 16:56;16:57;16:58;18:36;

P E R S O N	Name/Address/Phone		Description	
	BAUMGARNER, KIMBERLY ANN		Born 06/27/1969	FEMALE
	422 MCALUGHLIN #1		Hgt. 0' 0"	WHITE
	MUSKEGON MI 49442		Wgt. 0	
	(616) 842-6442		Hair	Eyes
COMPLAINT		99008	GENERAL ASSISTANCE	
12/01/2001				

rpt_rev.c 1.41

Date Printed: 12/01/2001

Page 1

Continued

MUSKEGON POLICE DEPARTMENT

2001-029940-I

Incident No 2001-029940-I		Date & Time Rept 12/01/2001 16:56		Offense: 99008 GENERAL ASSISTANCE	
P E R S O N S	Name/Address/Phone			Description	
	HOUSER, BILLY RAY 679 W SOUTHERN MUSKEGON MI 49441 (231) 722-1218			#A	Born 03/15/1973 MALE Hgt. 0' 0" WHITE Wgt. 0 Hair Eyes
	OTHER 99008 12/01/2001			GENERAL ASSISTANCE	
	IPPEN, MARIELLEN 432 MONROE MUSKEGON MI 49441 (231) 722-1198				Born 03/13/1974 FEMALE Hgt. 5' 7" WHITE Wgt. 200 UNKNOWN Hair SDY Eyes BRO
	ARREST 89004 12/01/2001			WARRANTS	
P R O P E R T Y	WELCH, BRUCE ALLEN SR 432 MONROE MUSKEGON MI 49441 (616) 722-5191 () -				Born 12/28/1972 MALE Hgt. 6' 0" WHITE Wgt. 210 NON-HISP Hair BLK Eyes BRO
	OTHER 99008 12/01/2001			GENERAL ASSISTANCE	
	Description/Name/Comments		Make/Model/Stat	Serial No./Qty/Value	
	DARVASET MEDICATIONS		STOLEN	Qty = 30.00 \$100.00	
	INHALER - PROVENTIL MEDICATIONS		STOLEN	Qty = 1.00 \$50.00	
IBUPROFIN 800 MG MEDICATIONS		STOLEN	Qty = 135.00 \$100.00		
Status/Plate Type/VIN		Reg/Evid/Value	Description		
NO VEHICLES					
Category		Description			
NO M.O. INFORMATION					

Continued

MUSKEGON POLICE DEPARTMENT

2001-029940-I

Incident No 2001-029940-I	Date & Time Rept 12/01/2001 16:56	Offense: 99008 GENERAL ASSISTANCE
------------------------------	--------------------------------------	--------------------------------------

N TAKEN FROM WORDPERFECT DOCUMENT 2001029940.001
A DISPATCH INFO:
R
R Officer KITCHEN and I were dispatched to meet BAUMGARNER
A (Complainant/TX: 616-842-6442) at MUPD to act as a peace officer.
T
I CONTACT WITH COMPLAINANT:
V
E I spoke with BAUMGARNER and her friend HOUSER (Other/No TX). They advised me that they were just kicked out of the house that they were living in by the landlord, WELCH (Other/No TX). BAUMGARNER said they were abruptly forced to leave last night. BAUMGRANER and HOUSER returned to get their things from the residence today. BAUMGARNER advised me that WELCH and IPPEN (Arrest/No TX) would not give them their personal belongings back.

CONTACT WITH TENANT:

We escorted BAUMGARNER and HOUSER to 432 Monroe. IPPEN answered the door. BAUMGARNER told IPPEN that she wanted to get her items back. IPPEN refused to let BAUMGARNER and get her items back. IPPEN told BAUMGARNER that she was served an eviction notice. BAUMGARNER showed officer KITCHEN and I the eviction notice. This item was actually a notice to quit. The notice was not signed by a judge. Sgt. FELLOWS was called to our location. Sgt. FELLOWS advised IPPEN that this was not an eviction notice. Sgt. FELLOWS told IPPEN that BAUMGARNER and HOUSER technically still lived there. Therefore, they are entitled to enter the premises and get their belongings back. BAUMGARNER and HOUSER went up to their rented room and retrieved their items. Officer KITCHEN, Sgt. FELLOWS, and I stood by in the house while BAUMGARNER and HOUSER got their belongings. WELCH returned to the premises while we were inside the residence. Sgt. FELLOWS explained to WELCH what was going on.

OFFICER'S ACTIONS:

All the adults in the house were run on LEIN. LEIN confirmed a felony warrant out of MHPD for IPPEN. The warrant was for FTA on a B & E charge. The date of the warrant was 05/07/1992. The OCA # is 4-430-92. The ORI # is MI610025J-CT. The court docket # is 92-13016FY. IPPEN was arrested by officer KITCHEN. IPPEN was taken to MUPD in car # 271. Officer KITCHEN called MHPD to confirm the warrant. Officer KITCHEN spoke to Sgt. COLEMAN from MHPD. Sgt. COLEMAN advised officer KITCHEN that the warrant would not be in the computer, however, Sgt. COLEMAN thought it was the same person. Sgt. COLEMAN wanted IPPEN lodged. Officer KITCHEN and I transported IPPEN to MCJ in car # 271. IPPEN was lodged for the warrant.

OFFICER'S OBSERVATIONS INSIDE 432 MONROE:

Continued

MUSKEGON POLICE DEPARTMENT

2001-029940-I

Incident No	Date & Time Rept	Offense: 99008
2001-029940-I	12/01/2001 16:56	GENERAL ASSISTANCE

N While I was inside the residence at 432 MONROE, I noticed numerous
A things that made this house unsafe to live in. Initially, I
R noticed numerous cats inside the house. Walking through the house,
R I saw a large amount of feces at the bottom of the stairwell that
A led to the upstairs. Also, I noticed moldy feces along the
T baseboard of the southwall in the far upper bedroom. This looks to
I be the bedroom for a couple of children. While I was upstairs, I
V noticed that the first bedroom on the right had a exposed
E electricity cord leading to a permanent light in the bedroom. In
this same room, the glass in the window was missing. The window
was covered by a blanket. In addition, I noticed cockroaches in
the kitchen area. Let it be known, that at least three young
children currently live in this house. I believe that this house
is unfit for living in.

STATUS:

Closed.

Officer S. HEPWORTH # 42

rpt_rev.t.c 1.41 Date Printed: 12/01/2001 Page 4

Housing Health & Safety Action Request Document

Location/Address: 432 Monroe Date/Time Observed 12/1/01 - 17:30 H.
Officer's name who made observation: S. HEPWORTH
Complaint Number (if you obtained one): 01-29940

Put a check mark next to and/or circle any of the conditions that apply:

☐ No gas, heat, or electricity (circle those that apply)

☒ Cockroach rodent, flea, lice or other _____ infestation (circle those that apply)

☒ Excessive filth, garbage, animal or human excrement INSIDE of the house

☐ Excessive filth, garbage, animal or human excrement OUTSIDE of the house

☐ Water and/or sewer facilities (toilets) not working

☒ Exposed or unsafe wiring (including use of extension cords for permanent wiring)

☐ Smoke detectors not in place or working

☒ Broken windows

☐ Using basement or cellar for sleeping area

☐ Standing water in basement

☐ Vacant house that needs to be secured so it is not accessible to the public

COMMENTS/OBSERVATIONS: I counted at least 10 different cats in the house. At the bottom of the stair well leading to the upstairs, there was a significant amount of feces. Also, I noticed ~~feces~~ feces in the kids bedroom upstairs. It was located along the south wall baseboard. In addition, I noticed a long wire/extension cord leading to a permanent light in the upstairs bedroom that is closest to the stairs. This cord is hanging from the ceiling & unprotected. This bedroom also had no glass in the window. It was covered by a
(Please forward to COPS Bureau)

Blanket. It should also be known that I observed cockroaches in the kitchen area. Let it be known that there are at least 3 young children living in this household.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: January 9, 2002

432 Monroe
(Address of Property)

TO: All owners and interested parties:

Bruce Welch, 432 Monroe, Muskegon, MI 49441
(Name of Owner)

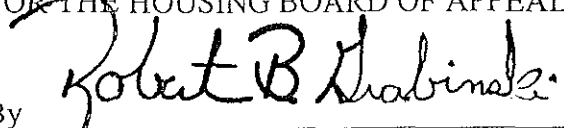
None
(Other interested parties)

On November 1, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on January 22, 2002, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on January 22, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

Nick Kroes
Clinton Todd

The motion carried.

Case #01-043- 432 Monroe – Bruce Welch, 432 Monroe, Muskegon, MI

Mr. Welch was present to represent this case. He purchased the home from Dan Heller on September 1, 2001. He resides there with his family. Mr. Heller was not correct in selling it with the understanding that there was a valid occupancy permit. When the structure became a dangerous building, the permit was then void. Mr. Welch has estimates for roof and siding repairs.

Mr. Grabinski stated part of the dangerous building process requires an interior inspection.

Staff's recommendation: To declare the structure substandard, a dangerous building, unsafe, a public nuisance, but delay forwarding to the City Commission for concurrence for 30 days.

Motion: John Warner, supported by Randy Mackie made a motion to accept staff's recommendation.

The motion carried.

Case #01-032 – 246 Laketon – (Garage Only) John Markavitch, 246 Laketon, Muskegon, MI

Mr. Markavitch was present to represent this case. He stated that he has been sick and didn't have the money to complete earlier. He is better now. He has already repaired the rafters and will be putting the siding on next week. He can have it completely finished in 3 weeks.

Staff Recommendation: Table this case for 30 days providing the work is completed and has a final inspection on the work.

Motion: John Warner, supported by Nick Kroes, made a motion to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner

NAYES:

EXCUSED:

ABSENT:

DATE: January 10, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-014 Address: 1878 Smith St.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1878 Smith St.** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #01-014, 1878 Smith St. Muskegon, MI

Location and ownership: This structure is located on Smith Street in the Marsh Neighborhood between E. Holbrook and Laketon Avenue. It is owned by Alan and Delores Blood, 2170 Becker Rd., Muskegon, MI 49445.

Staff Correspondence: A dangerous building inspection was conducted on 4/13/01, a notice and order to repair was issued 5/31/01. A permit to install vinyl siding was issued 6/19/01. At the October HBA meeting the case was tabled for 30 days to allow owners time to come into the office and submit a time line and schedule an interior inspection. At the November HBA meeting the structure was declared substandard because of incorrect construction on the addition.

Owner Contact: Mrs. Blood was present at both HBA meetings. No other contact was made by home owners.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$30,800.

Estimated cost to repair: \$60,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, January 22, 2002.

HOWDEN ST

Holbrook

TERRACE ST

SMITH ST

WOOD ST

*1878
SMITH



1878 SMITH
Census # 5



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120255
May 16, 2001

1. Beginning Date: 5/7/84, at 8:00 A.M.

Please See Attached Liber 1284, Page 588, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 4/19/2001, at 8:00 A.M.

Documents

Deeds:
1284-588

Mortgages:

Taxes:

Sidewalk Assessment due and payable to the City of Muskegon, in the amount of \$182.49, if paid by May 31, 2001.

Note:

2000 Winter taxes were paid in the amount of: \$872.72.

No 2000 Summer taxes were assessed.

Permanent Parcel No.: 61-24-762-001-0020-00.

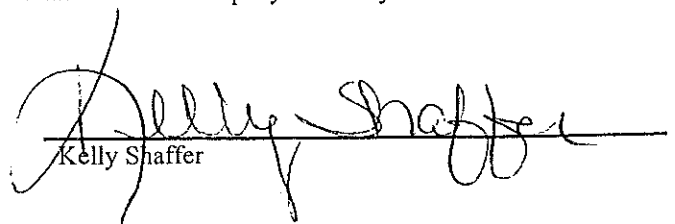
2001 State Equalized Value: \$30,800.00.

2001 Taxable Value: \$23,685.00.

Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Allan L. Blood and Delores M. Bartels, as joint tenants with full rights of survivorship
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Kelly Shaffer

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

1878 SMITH STREET

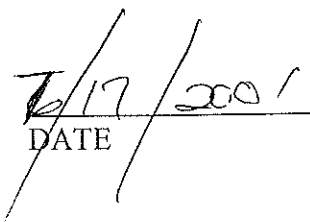
4/13/01

Inspection noted:

1. An interior inspection is required by all trade inspectors' (this includes Plumbing, Mechanical, Electrical and Building).
2. Missing siding, exposed overhang, incomplete addition (permit was pulled 8/4/95 and no inspections, this permit is null & void).
3. Roofing incomplete.
4. Landing and steps are incomplete in the back by the sliding doors.
5. Exposed rafters on back of addition.
6. Garage graffiti, cans of tar thrown on roof.
7. Front porch deck and stairs are unstable, missing handrail and guardrail.
8. Siding on original home is insecure and/or missing.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

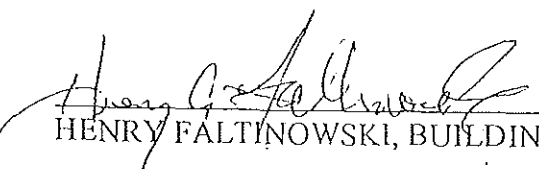
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1878 Smith
(INTERIOR INSPECTION)
10/22/01

Inspection noted:

1. Front porch unstable; needs guardrail to code. Deck joists unstable over span joists.
2. No landing or steps at back slider.
3. Addition on home constructed without inspections. Improper footings, walls, headers. Rafters on both homes cut away with no lateral support for either structure on the roof system. The addition must be totally removed and constructed to code.
4. All electrical must be brought up to code.
5. Plumbing requires a licensed contractor.
6. Water and sewer lines are not in good acceptable condition.
7. Mechanical requires a licensed contractor.
8. Chimney needs a liner.
9. Furnace needs to be tested.
10. Duct work is in poor shape.
11. All gas piping needs to be tested.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

10-31-01
DATE

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS
NOTICE OF HEARING

Date: September 24, 2001

Address of the Property: 1878 Smith, Muskegon, Michigan

Description of the Structure: _____

TO: Allan Blood, 2170 Becker Rd. Muskegon, MI 49445
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, October 4, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 5/31/01.

At the hearing on Thursday, October 4, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By _____

Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: May 31, 2001

Address of the Property: 1878 Smith, Muskegon, Michigan

Description of the Structure: Sub Div of part of Lot 1 Blk 1 RP Eastons 2nd Sub Div Part of Sec 32 T 10 N R 16 W Lot 20 Blk 1

TO: Alan L. Blood & Delores M Bartels, 1878 Smith St. Muskegon, MI 49442
[Name & Address of Owner]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **1878 Smith**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal

231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290



October 8, 2001

Alan & Delores Blood
2170 Becker Rd.
Muskegon, MI 49445

Re: 1878 Smith St.

Dear Mr. & Mrs. Blood:

On October 5, 2001 the Housing Board of Appeals heard your case on the above structure.

The board's determination on this case was to table it for 30 days to allow you time to come into this office and submit an agreeable time line for repairs and schedule an interior inspection with the building, electrical, and plumbing inspectors.

If you have any questions, please contact this office at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services
RBG/lg

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: October 18, 2001

Address of the Property: 1878 Smith, Muskegon MI

Description of the Structure: Sub Div of part of Lot 1 Blk 1 RP Eastons 2nd Sub Div Part of Sec 32 To 10 N R 16 W Lot 20 Block 1

TO: Alan & Delores Blood, 2170 Becker Rd. Muskegon, MI 49445
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, November 1, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 5/31/01.

At the hearing on Thursday, November 1, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By _____

Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: November 5, 2001

To: Alan & Delores Blood, 2170 Becker Rd. Muskegon, MI 49445
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, November 1, 2001, does hereby order that the following structure(s) located at 1878 Smith Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

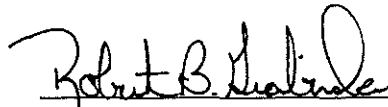
The director of inspections is ordered to place before the Muskegon City Commission on December 11, 2001, this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: January 9, 2002

1878 Smith
(Address of Property)

TO: All owners and interested parties:

Alan & Delores Blood, 2170 Becker Rd. Muskegon, MI 49445
(Name of Owner)

None
(Other interested parties)

On November 1, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **January 22, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on January 22, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

**Case # 99-39 – 896 Pine St. – Leath Furniture, 4370 Peachtree Rd. NE,
Atlanta, GA 30319**

No one was in attendance to represent this case. Mr. Grabinski gave a history of the case. It is a vacant piece of property. We have not heard back from the owner. It is back before the board because the address was previously noted as 902 Pine, which is the Antique store. We now have the correct address and have notified the appropriate party.

Staff recommendation: To declare the structure substandard, unsafe, a dangerous building, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Jerry Bever, supported by John Warner, made a motion to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

**Case #01-014 – 1878 Smith St. – Alan & Delores Blood, 2170 Becker Rd.,
Muskegon**

Mrs. Blood was present to represent this property. She stated that they had not received any paperwork until the notice for the HBA hearing. They have been working on the property, inside and out and their intention is to repair it and then either rent it out or sell. Mr. Grabinski stated because of their address change, and not receiving the Notice and Order to repair he would like to give them time to come into the office and see the list of repairs needed to be done.

Staff recommendation: Table this case for 30 days to allow owners time to come into office and submit time line and schedule interior inspection.

Motion: Motion made by Randy Mackie, supported by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Fred Nielsen
John Warner
Jerry Bever

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Nick Kroes

The motion carried.

The motion carried.

Case #01-014 – 1878 Smith St. – Alan & Delores Blood, 2170 Becker Rd., Muskegon

Mrs. Blood was present to represent this case. She stated that she has not received a list of repairs that need to be done. The interior inspection was conducted on October 22, 2001. It was just typed up yesterday. There are 11 items on the inspection report. Mrs. Blood was given a copy of the inspection report at the meeting. Mr. Grabinski read through the list on the report. He stated that the addition has major problems. There is no record of permits or inspections for it also. The footings, walls, headers, rafters are incorrect. There is a danger of collapse on both roof systems. It needs to be totally removed and constructed to code. (the addition)

This case was discussed in the office and staff feels there is no choice at this point other than to declare substandard, a public nuisance, unsafe, dangerous building and forward to city commission for their concurrence.

Motion: Motion made by Randy Mackie, supported by Nick Kroes to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen
Nick Kroes
Clinton Todd

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #01-026 – 1133 W. Western Ave. Kirksey Investment , 1204 W. Western Ave. Muskegon

Mr. Kirksey was present to represent this case. He had a hand out for each board member. He went over what has been repaired so far and what future plans are. Mr. Kirksey stated that 350 broken windows have been replaced and they have closed off 2 stairways and removed plywood.

Mr. Grabinski stated that the work was done after the last HBA meeting without permits, so he was not aware that any progress had been made. Mr. Kirksey