

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 13, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Resolution for Charitable Gaming License. CITY CLERK
 - c. Appointments to Committees and Boards. COMMUNITY RELATIONS COMMITTEE
 - d. Housing Commission Appointment. CITY MANAGER
 - e. Sale of Unbuildable Lot at 739 Ellifson Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - f. Sale of Unbuildable Lot at 1513 Park Street. PLANNING & ECONOMIC DEVELOPMENT
 - g. Termination of Old Ferry Agreement. CITY MANAGER
 - h. Request for Encroachment Agreement - Torresen Marine, Inc. ENGINEERING
- ❑ PUBLIC HEARINGS:
 - a. Request for an Industrial Facilities Exemption Certificate, Ameriform. PLANNING & ECONOMIC DEVELOPMENT
- ❑ COMMUNICATIONS:

- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - a. FIRST READING - Parks Parking Ordinance. LEISURE SERVICES
 - b. Ruddiman Creek Access Agreement. LEISURE SERVICES
 - c. Denial of Parking Ramp Proposal. PLANNING & ECONOMIC DEVELOPMENT
 - d. Nugent Sand Issue. CITY COMMISSION
 - e. Concurrence with the Housing Board of Appeals Notice & Order to demolish the following:
 - 1) 1166 W. Grand (Area 12)
 - 2) 781 W. Southern (Area 12)
 - 3) 204 W. Dale
- ❑ ANY OTHER BUSINESS:
- ❑ PUBLIC PARTICIPATION:
- ❑ CLOSED SESSION: To discuss pending litigation.
 - *Reminder: Individuals who would like to address the City Commission shall do the following:*
 - Fill out a request to speak form attached to the agenda or located in the back of the room.
 - Submit the form to the City Clerk.
 - Be recognized by the Chair.
 - Step forward to the microphone.
 - State name and address.
 - Limit of 3 minutes to address the Commission.
 - (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)
- ❑ ADJOURNMENT:

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

Date: January 13, 2004
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 Worksession that was held on Monday, December 8, 2003; and the Regular Commission Meeting that was held on Tuesday, December 9, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 13, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 13, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Terry Baker from the Spring Street Baptist Church after which the Commission and Public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2004-02 CONSENT AGENDA

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, December 8, 2003; and the Regular Commission Meeting that was held on Tuesday, December 9, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Resolution for Charitable Gaming License. CITY CLERK

SUMMARY OF REQUEST: The Child Abuse Council of Muskegon County, 1781 Peck Street, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

c. **Appointments to Committees and Boards.** COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee for appointments as reflected in the minutes of the January 5, 2004 meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: Approve the recommendations.

STAFF RECOMMENDATION: Approve the recommendations from the Community Relations Committee.

d. **Housing Commission Appointment.** CITY MANAGER

SUMMARY OF REQUEST: To approve the reappointment of Ed Horne to the Muskegon Housing Commission for a five-year term to expire January 31, 2009.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the appointment.

e. **Sale of Unbuildable Lot at 739 Ellifson Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant unbuildable lot (Parcel #24-205-035-0001-05) at 739 Ellifson Avenue to Daniel and Phyllis McCarthy, owners of 735 Ellifson, Muskegon, MI 49442 and Pamela Scott, 745 Ellifson Avenue, Muskegon, MI 49442. Approval of this sale will allow these two adjacent property owners to expand their current yards. As is required by City policy, the subject parcel is being offered for \$100, and will be split between the McCarthy's and Ms. Scott for \$50 each.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee (LRC) recommended approval of this request at their December 16, 2003 meeting.

f. **Sale of Unbuildable Lot at 1513 Park Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant, marginal lot (Parcel #24-205-417-0003-00) at 1513 Park Street to Scott McCullough, 1519 Park Street,

Muskegon, MI, Fanny Hatcher, 1507 Park St., Muskegon, MI, and Michael South, 453 W. Grand Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owners to have homes located on buildable lots, as well as expanding their current yards. Since this is a marginal lot, and two of the adjacent property owners are located on unbuildable lots, LRC recommended the sale of this parcel for \$100. The subject parcel will be split between the three adjacent property owners and the price split between them.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee (LRC) recommended approval at their November 18, 2003 meeting.

g. Termination of Old Ferry Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve an agreement with Lake Express to terminate the lease agreement dated March 4, 2003, between the City and Lake Express. This agreement was replaced by a new lease agreement dated October 28, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement.

h. Request for Encroachment Agreement - Torresen Marine, Inc. ENGINEERING

SUMMARY OF REQUEST: Torresen Marine Inc. has submitted an encroachment agreement form requesting your permission to install an underground 2" conduit across Lakeshore Dr. just east of Sampson. The installation would utilize a bore & Jack method. The conduit would be utilized as telecommunication facility carrier.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

i. "Cool Cities" Resolution. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution of support and commitment for participation in the "Creating Cool Collaboration" strategic planning session.

STAFF RECOMMENDATION: Approval

j. Fees for Business Registration and Liquor Licensing Renewals. CITY CLERK

SUMMARY OF REQUEST: Approval of amendments to the Master Fee Resolution to include Business Registration fee increase from \$25 to \$30 annually, and Liquor License renewal fee at \$100 annually.

FINANCIAL IMPACT: Additional revenue of approximately \$6,300.

BUDGET ACTION NEEDED: Increase Business Registration revenue.

STAFF RECOMMENDATION: Approve the amendments to the Master Fee Resolution to include the 2004 Business Registration fee of \$30 and the Liquor License renewal fee of \$100.

k. Approval of Transfer of Obligation. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve a transfer of obligation for a rehabilitation (siding) that was completed by the CNS Department in 2002. Currently, Ms. Kimberly Hunter of 130 E. Isabella who has a forgivable five-year lien with a current balance of \$6,311.20 wishes to sell the property to Ms. Carisa Brown who is purchasing Hunter's home prior to foreclosure. Ms. Brown agrees to accept all of the CNS requirements in reference to the home that was sided by the department in 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

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

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

Nays: None

MOTION PASSES

2004-03 PUBLIC HEARINGS:

a. Request for an Industrial Facilities Exemption Certificate, Ameriform. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Ameriform, Inc., 1790 Sun Dolphin Drive, Muskegon, Michigan, manufacturer of custom thermoformed plastic products, has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$702,725 in personal property. The project will result in the creation of 5 new employment opportunities. Ameriform, Inc., along with its sister company, KL Industries, has a current workforce of approximately 200 people in 3 locations.

FINANCIAL IMPACT: The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of seven (7) years.

The Public Hearing opened at 5:41 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:47 p.m. and approve the resolution granting an Industrial Facilities Exemption Certificate for a term of seven years.

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

Nays: None

MOTION PASSES

2004-04 NEW BUSINESS:

a. **Tentative Agreement Reached with Muskegon Police Command Union.**
ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Staff recommends approval of the set of tentative agreements reached with the Muskegon Police Command Union. Tentative Agreements were ratified by the union membership at a meeting held on Monday, January 12, 2004.

FINANCIAL IMPACT: The overall financial packet is about 10% of payroll. The packet includes the following significant economic agreements:

Union

Wages

<u>2004</u>	<u>2005</u>	<u>2006</u>
2.00%	2.00%	2.00%

Pension

Effective 12/31/06, increase multiplier from 2.5% to 2.75% (for normal retirement), and change retirement age from 55 w/25 yrs. of service to age 53 w/25 yrs. of service.

Insurance

Increase major medical cap from \$225,000 to \$300,000

City

Future Reduction in Health Care Costs

- a. Increase co-pays for generic and brand name drugs;
- b. Increase premium co-pay to \$20 bi-weekly;
- c. 1/1/04 limit retiree dependents to those identified at time of retiree retirement;
- d. Establish employee health insurance savings account to allow employees to contribute pre-tax monies to be used for health and prescription costs after retirement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Gawron, second by Commissioner Spataro to approve the tentative agreement with the Muskegon Police Command Union.

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

Nays: None

MOTION PASSES

b. FIRST READING - Parks Parking Ordinance. LEISURE SERVICES

SUMMARY OF REQUEST: To adopt the ordinance, which will allow for level 3 parking tickets for parks as was in the old set of parking ordinances.

FINANCIAL IMPACT: Continues the Level 3 tickets for parks at \$17.50.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Commissioner Gawron to adopt the ordinance.

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

Nays: None

MOTION PASSES

c. Ruddiman Creek Access Agreement. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the access agreement to allow for the removal of contamination in Ruddiman Creek.

FINANCIAL IMPACT: None to the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Commissioner Shepherd to authorize

the Mayor and Clerk to sign the access agreement.

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

Nays: None

MOTION PASSES

d. Denial of Parking Ramp Proposal. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City distributed a Request for Proposals for the City Parking Ramp this fall. The proposals were due in late November. The only proposal received was from St. Mary's Catholic Church. They proposed a real-estate "swap", which included the City demolishing the existing City ramp, then swapping the land with St. Mary's for their parking lot on SW corner of Jefferson and Webster. It is recommended that the proposal be denied, as the City would be responsible for the expense of demolishing the parking ramp.

FINANCIAL IMPACT: None (if the proposal is denied), with the exception that the City will continue to provide minimal maintenance on the facility until it is reused or sold at a later date.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To deny the proposal from St. Mary's Church.

Motion by Vice Mayor Larson, second by Commissioner Spataro to deny the proposal from St. Mary's Church and send them a letter thanking them for their proposal.

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

Nays: None

MOTION PASSES

e. Nugent Sand Resolution. CITY COMMISSION

SUMMARY OF REQUEST: To authorize the Mayor and Commissioners to sign the resolution in opposition to the construction of a pipeline through the barrier dune to Lake Michigan.

Motion by Commissioner Shepherd, second by Commissioner Gawron to approve the resolution that is in opposition to the construction of a pipeline through the barrier dune to Lake Michigan.

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

Nays: None

MOTION PASSES

f. Concurrence with the Housing Board of Appeals Notice & Order to Demolish the Following: INSPECTIONS

SUMMARY OF REQUEST: To request City Commission concur with the findings of the Housing Board of Appeals that the structures located at the following addresses are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the 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.

1. 781 W. Southern (Area 12)

CASE NUMBER AND PROJECT ADDRESS: #EN030137, 781 W. Southern (Area 12)

LOCATION AND OWNERSHIP: This structure is located on W. Southern between Beidler and Henry Streets. It is owned by Beneficial Michigan.

STAFF CORRESPONDENCE: This property was written as a dangerous building 8-19-03 when the housing inspector referred it to the Director of Inspections because of the condition. The Notice and Order to repair or remove was issued 9-17-03 and the Housing Board of Appeals declared the structure on November 6, 2003. No one was present at that meeting to represent this case.

OWNER CONTACT: None

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$23,100

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

ESTIMATED COST OF REPAIRS: \$6,000 plus the cost of interior repairs

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 781 W. Southern.

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

Nays: None

MOTION PASSES

2. 1166 W. Grand

CASE NUMBER AND PROJECT ADDRESS: #01-051 – 1166 W. Grand (Area 12)

LOCATION AND OWNERSHIP: This structure is located on W. Grand west of Barclay at the end of the cul de sac. It was owned by Kenneth and Maryjane

Sanford and they sold it on a land contract to James and Tamara Ward. An inspection was conducted on 11/15/01 due to complaints regarding the exterior condition of the home. A notice and order to repair or remove was issued 2/26/02. The case was heard before the HBA on May 2, 2002 and it was tabled for 180 days. At that time it was ordered that the repairs to the front of the house be completed within 30 days and the exterior repairs be completed within 90 days. It was stated if the conditions were met, the case would not be brought back to the HBA. The exterior repairs were not completed and the case was heard again before the HBA on 12/5/02. The Wards were not present, but they called the office on 11/27/02 and stated they had been working inside and spent a large amount of money on the electrical work and that the front of the house would be completed within 60 days. There has been no contact with the owners since that date. The HBA declared it dangerous and substandard on 12/5/02. The case was brought before City Commission on 3/25/03 and was tabled indefinitely to give the Wards an opportunity to repair. In September 2003 they had a furnace installed, with the help of CNS. On 11/17/03 a complaint notice was issued regarding junk on the front porch and reissued 12/1/03. On 12/18/03 a \$100 civil infraction was issued for storing rubbish on the porch. On this date it was discovered that the gas had been shut off for non-payment and the Wards had moved to Florida and they are renting the house out. An officer attempted to speak to someone at the house due to neighbor complaints, but got no answer. He was able to see a small propane stove inside on the kitchen counter. Another exterior inspection was conducted 1/2/04.

STAFF CORRESPONDENCE: A dangerous building inspection report was written 11/15/01 and Notice and Order to repair or remove was issued 2/26/02. On 5/2/02 the HBA tabled the case for 180 days to allow the owner to complete repairs. On 12/5/02 the HBA declared the house substandard and dangerous. On 3/25/03 the City Commission heard the case and tabled it indefinitely.

OWNER CONTACT: The owners were present at the 5/2/02 HBA meeting and stated they wanted to repair the house. A progress inspection was ordered by the City Commission 3/25/03 and was conducted 4/10/03. The Wards have not contacted the Inspection Department since then, but have been in Contact with CNS for financial help with the furnace.

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$26,500

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

ESTIMATED COST OF REPAIRS: \$25,000

Motion by Commissioner Shepherd, second by Vice Mayor Larson to call for the

question.

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

Nays: None

MOTION PASSES

Motion by Vice Mayor Larson, second by Commissioner Spataro to concur with the Housing Board of Appeals Notice and Order to demolish 1166 W. Grand.

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

Nays: Davis

MOTION PASSES

3. 204 W. Dale

CASE NUMBER AND PROJECT ADDRESS: #EN030165, 204 W. Dale

LOCATION AND OWNERSHIP: This structure is located on W. Dale between Fifth and Sixth Street. It is owned by Raul and Sharon Melgoza.

STAFF CORRESPONDENCE: This property was written as a dangerous building 10/14/03 when the housing inspector referred it to the Director of Inspections because of the conditions. The owner did not have a Certificate of Compliance and was trying to evict the tenants at the time. The Notice and Order to repair or remove was issued 10/21/03 and the Housing Board of Appeals declared the structure on December 4, 2003. No one was present at that meeting to represent this case.

OWNER CONTACT: Mrs. Melgoza contacted the Inspection office in early November and stated her husband is incarcerated and she is trying to evict the tenants. She was referred to Legal Aid because she has no Certificate of Compliance and was having a problem getting the tenants out.

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$14,700

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

ESTIMATED COST OF REPAIRS: \$15,000 plus cost of repairs for upper unit.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 204 W. Dale.

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

Nays: None

MOTION PASSES

2004-05 ANY OTHER BUSINESS: Commissioner Larson commented on his concern reference the Ferry Dock. City Manager will set up a meeting with the County. Commissioner Spataro commented on a letter from a City employee that was sent to the Commissioners. This was referred to the Legislative Policy Committee.

2004-06 PUBLIC PARTICIPATION: Comments were heard from the public thanking the Commission for their decision reference Nugent Sand.

2004-07 CLOSED SESSION: To discuss pending litigation.

Motion by Vice Mayor Larson, second by Commissioner Gawron to go into Closed Session at 6:52 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Spataro to come out of Closed Session at 7:18 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Carter to concur with the recommendations from the City Attorney.

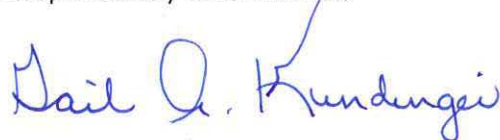
ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

The Regular Commission Meeting of the City of Muskegon was adjourned at 7:19 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

Date: January 13, 2004
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Resolution for Charitable Gaming License

SUMMARY OF REQUEST: The Child Abuse Council of Muskegon County, 1781 Peck Street, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

CHILD
ABUSE COUNCIL

EVERY STEP OF THE WAY.

December 17, 2003

Linda Potter
Muskegon City Hall
933 Terrace
Muskegon, MI 49440

Dear Linda:

Thank you so much for your help with this matter. Enclosed is form that we need filled out at the January 13, 2004 meeting.

The Child Abuse Council of Muskegon County wants to hold a Bingo game at the Roberts Hall, 4095 Grand Haven Road, Muskegon, MI 49441, on Monday mornings. We need a resolution passed that we are a recognized nonprofit organization in the community.

Enclosed you will find the Local Governing Body Resolution for Charitable Gaming License form, nonprofit status letter, and a copy of the letter from the Bureau of State Lottery requesting a resolution passed by the City of Muskegon.

Sincerely,

Vicki Price
Office Manager



Enclosures





JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
BUREAU OF STATE LOTTERY
LANSING



GARY C. PETERS
COMMISSIONER

LOCAL CIVIC ORGANIZATION QUALIFICATION INFORMATION

Please allow at least 4 weeks for the qualification process.

If the organization has never submitted qualifying information as a local civic organization, the following information shall be submitted prior to being approved to conduct a bingo, millionaire party, raffle, charity game, or numeral game.

1. A signed and dated copy of the organization's current bylaws or constitution.
2. A complete copy of the organization's Articles of Incorporation that have been filed with the Corporations and Securities Bureau, if the organization is incorporated.
3. A copy of the letter from the IRS stating the organization is exempt from federal tax under IRS code 501(c)3
OR
copies of one bank statement per year for the previous five years, excluding the current year.
4. A provision in the bylaws, constitution, or Articles of Incorporation that states should the organization dissolve, all assets, and real and personal property will revert:
 - A. If exempt under 501(c)3, to another 501(c)3 organization.
 - B. If not exempt under 501(c)3, to the local government.
5. A receipt and expenditure statement for the last two years. If expenditures were made to individuals, explain the nature of these expenditures.
6. A copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit organization in the community (sample format attached).
7. A provision in the bylaws, constitution, or Articles of Incorporation indicating the organization will remain nonprofit forever.

Additional information may be requested after the initial documents submitted have been reviewed. If you have any questions or need further assistance, please call our office at (517) 335-1159.

Act 382 of the Public Acts of 1972 as amended, defines a local civic organization as an organization "not for pecuniary profit and not affiliated with a state or national organization, which is recognized by resolution adopted by the city in which the organization conducts its principal activities, whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization whose entire assets are pledged to charitable purposes, and whose constitution, charter articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property shall revert to the benefit of the city government upon dissolution of the organization."

BSL-CG-1453(R5/03)

101 E. HILLSDALE • P.O. BOX 30023 • LANSING, MICHIGAN 48909
www.michigan.gov • (517) 335-5600

724-6705

Linda

Internal Revenue Service
District Director

Department of the Treasury

Date: DEC 7 1983

Employer Identification Number:

38-2195091

Accounting Period Ending:

April 30

Form 990 Required: ☒ Yes ☐ No

Council on Child Abuse and Neglect
of Muskegon County
1611 East Oak Avenue
Muskegon, MI 49442

Person to Contact:

Naomi L. Anderson

Contact Telephone Number:

513-684-2501

Case No. 313264008EO

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

P.O. Box 2508, Cincinnati, Ohio 45201

(over)

Letter 947(DO) (5-77)

dld



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY
101 E. Hillside, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

2004-02(b)

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(9))

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
called to order by Mayor Warmington on January 13, 2004
DATE
at 5:30 TIME A.M./p.m. the following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Gawron
that the request from Child Abuse Council of Muskegon County of Muskegon
NAME OF ORGANIZATION CITY
county of Muskegon
COUNTY NAME asking that they be recognized as a
nonprofit organization operating in the community for the purpose of obtaining a charitable
gaming license, be considered for Approval
APPROVAL OR DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	<u>7</u>	Yeas:	<u> </u>
Nays:	<u>0</u>	Nays:	<u> </u>
Absent:	<u>0</u>	Absent:	<u> </u>

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the City of Muskegon at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
meeting held on January 13, 2003
DATE
SIGNED: Gail A. Kunderger
TOWNSHIP, CITY, OR VILLAGE CLERK

Gail A. Kunderger, MMC, City Clerk
PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440
ADDRESS

COMPLETION Required
PENALTY: Possibility of denial of application
BSL-CG-1153(R7/02)

Date: January 6, 2004
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 for appointments as reflected in the attached minutes of the January 5, 2004 meeting..

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: Approve the recommendations.

STAFF RECOMMENDATION: Approve the recommendations from the Community Relations Committee.

**Community Relations Committee
City Hall Commission Chambers
January 5, 2004**

Minutes

The Community Relations Committee meeting was called to order by Chair Spataro at 5:36 p.m. Also present were Commissioners Carter, Davis, Gawron, Larson and Shepherd.

1. Discussion was held regarding water discharge by Nugent Sand Company.

Motion by Warmington, seconded by Larson, to ask the City Attorney and staff to prepare a report and resolution expressing that the City of Muskegon is not in favor of allowing Nugent Sand to discharge into lake water. It was also requested that staff contact Nugent Sand and notify them that the commission will be discussing this at their January 12, 2004 worksession meeting.

VOTE: 7 Yeas 0 Nays Carried

2. 2004 Committee Appointments.

Board of Canvassers – Motion by Warmington, seconded by Larson, to table the appointment until the Democratic Party sends a recommendation through Commissioner Spataro.

VOTE: 7 Yeas 0 Nays Carried

Board of Review – Motion by Larson, seconded by Davis, to recommend the reappointment of Jack Rottman, Lawrence DeVoogd, and Luther Dease to the Board of Review with terms expiring 1/31/06.

VOTE: 7 Yeas 0 Nays Carried

Cemetery Committee – Motion by Shepherd, seconded by Larson, to recommend the reappointment of Donald Larabee to the Cemetery Committee with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Citizen's Police Review Board – Motion by Larson, seconded by Shepherd to recommend appointment of Sonya Hernandez-Joslin to represent a minority based organization with her term ending 1/31/06.

VOTE: 7 Yeas 0 Nays Carried

Motion by Larson, seconded by Warmington, to recommend re-appointment of Brett Sova as representation from a law enforcement professional with a term ending 1/31/06.

VOTE: 7 Yeas 0 Nays Carried

Motion by Shepherd, seconded by Gawron, to recommend re-appointment of John Barrett as a neighborhood representative with his term expiring 1/31/06.

VOTE: 7 Yeas 0 Nays Carried

Community Development Block Grant – Citizen’s District Council – Motion by Warmington, seconded by Larson, to recommend re-appointment of Addie Sanders-Randall to a Citizen at large position with her term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Motion by Carter, seconded by Larson, to recommend the appointment of Trudy Borset to a Citizen at large position with her term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Motion by Warmington, seconded by Shepherd, to recommend appointment of Anthony McCloud representing the target area with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Motion by Warmington, seconded by Shepherd, to recommend re-appointment Of Sheliah Shah as a target area representative with her term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Construction Code Board of Appeals – Motion by Warmington, seconded by Gawron to table these appointments until receipt of applications from current members.

VOTE: 7 Yeas 0 Nays Carried

Downtown Development Authority / Brownfield Redevelopment Authority Board – Motion by Warmington, seconded by Larson, to recommend the appointment of Christopher Vanoosterhout as a citizen representative with his term expiring 1/31/08.

VOTE: 7 Yeas 0 Nays Carried

Motion by Warmington, seconded by Gawron, to table the appointment of a person who has an interest in the property in the district.

VOTE: 7 Yeas 0 Nays Carried

Election Commission – Motion by Larson, seconded by Gawron, to recommend re-appointment of Elwyn Drent with his term expiring 1/31/07.

VOTE: 6 Yeas (Mayor out of room) 0 Nays Carried

Equal Opportunity Committee – Motion by Shepherd, seconded by Larson, to recommend reappointment of Luis Suarez, Romella Ealom and Paul Oakes to the committee. Mr. Oakes is required to submit an application.

VOTE: 7 Yeas 0 Nays Carried

Historic District Commission – Motion by Larson, seconded by Davis, to recommend re-appointment of Tim Bosma as registered architect with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Motion by Shepherd, seconded by Gawron, to recommend reappointment of Tom Russo as a person who resides or have occupational or financial interest in one or more of the historic districts with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Hospital Finance Authority – Motion by Warmington, seconded by Gawron, to recommend reappointment of William Tardani with his term expiring 1/31/09.

VOTE: 7 Yeas 0 Nays Carried

Housing Code Board of Appeals – Motion by Shepherd, seconded by Larson, to recommend appointment of Edward Sheard as a citizen representative with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Motion by Shepherd, seconded by Larson, to recommend the reappointment of Gregory Borgman as a citizen representative with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Income Tax Board of Review – Motion by Larson, seconded by Shepherd, to recommend the reappointment of James Davies with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Land Reutilization Committee – Motion by Shepherd, seconded by Larson, to remove Sally Messner (attendance concerns) and recommend appointment of Ronald Allen to fill her term ending 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Motion by Carter, seconded by Larson, to recommend appointment of Johnny Martin Jr. to fill the vacant spot for a resident at large with the term expiring 1/31/06.

VOTE: 7 Yeas 0 Nays Carried

Leisure Services Board – Motion by Warmington, seconded by Shepherd, to recommend reappointment of Chris Jensen and John Strach, Jr. with terms expiring 1/31/06.

VOTE: 7 Yeas 0 Nays Carried

Loan Fund Advisory Committee – Motion by Warmington, seconded by Larson, to recommend reappointment of Brent McCarthy as a member from area financial institution with his term expiring 1/31/07.

VOTE: 7 Yeas 0 Nays Carried

Local Development Finance Authority – Motion by Warmington, seconded by Gawron, to recommend reappointment of Robert Long with his term ending 1/31/08.

VOTE: 7 Yeas 0 Nays Carried

Motion by Shepherd, seconded by Carter, to recommend appointment of Tracy Wallace with her term expiring 1/31/08/

VOTE: 7 Yeas 0 Nays Carried

Motion by Warmington, seconded by Gawron, to remove Dean Witte (attendance concerns)

VOTE: 7 Yeas 0 Nays Carried

Motion by Larson, seconded by Gawron to recommend appointment of Phillip Okerland to fill the vacancy left by Dean Witte, with his term expiring 1/31/05..

VOTE: 7 Yeas 0 Nays Carried

Local Officer's Compensation Commission – Motion by Larson, seconded by Davis, to table any appointments for one year.

VOTE: 7 Yeas 0 Nays Carried

Public Relations Committee – Motion by Gawron, seconded by Larson, to recommend the reappointment of Bill Johanson with his term expiring 1/31/08.

VOTE: 7 Yeas 0 Nays Carried

Motion by Larson, seconded by Gawron, to recommend the appointment of Todd Fettig to fill a vacancy with the term expiring 1/31/05.

VOTE: 7 Yeas 0 Nays Carried

Zoning Board of Appeals – Motion by Warmington, seconded by Larson, to recommend the reappointment of Craig Kufta and Jane Clingman-Scott with their terms expiring 1/31/07 and the appointment of Robert A. Schweifler to fill the vacancy left by the resignation of David Newsome with his term expiring 1/31/05.

VOTE: 7 Yeas 0 Nays Carried

3. **Any other business.**

4. **Adjournment.** The meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 1/13/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: January 6, 2004

RE: Housing Commission - Reappointment

SUMMARY OF REQUEST:

To approve the reappointment of Ed Horne to the Muskegon Housing Commission for a five-year term to expire January 31, 2009.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

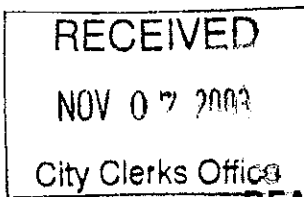
None.

STAFF RECOMMENDATION:

To approve the appointment.

COMMITTEE RECOMMENDATION:

None.



Housing Commission

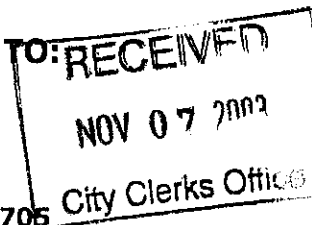
CITY OF MUSKEGON
REAPPOINTMENT APPLICATION/UPDATE FORM

Please Type or Print: This form will be used to update any information on file.

1. Date: _____
2. Name: Edward HORNE
3. Home Address: 1409 Oak Ave
4. Home Phone: 773 3782 Business Phone: _____
5. Occupation: Retired (School Teacher)
6. Education: Bachelor of Science / Master's in Education
7. Indicate the Board/Committee/Commission you are currently on: Worked
Muskegon Housing Commission
8. How many years have you been on this Board/Committee/Commission? 4 1/2
9. Please explain strengths you currently bring to this Board. Acquired leadership
Have become much more knowledgeable of HUD
Rules and regulations; Have become more sensitive
to the needs of low and moderate income residences.
10. Please list any other Boards/Committees/Commissions you may have an interest in:
A. Planning / Zoning
B. _____
C. _____

** Attach additional sheets or resume, if desired.

PLEASE RETURN THIS FORM TO:



Any Questions call: (231) 724-6706

Gail A. Kunder, MMC
City Clerk's Office
P.O. Box 536
933 Terrace Street
Muskegon, Michigan 49443
Fax: (231) 724-4178

EDWARD HORNE
1409 OAK AVENUE
MUSKEGON, MICHIGAN

OBJECTIVE

I would like to become a member of the Muskegon Housing Commission.

EDUCATION

Bachelor of Science Degree in Education, Lane College, Jackson, Tennessee

Drivers Education Certification, Michigan State University, Lansing, Michigan

Master of Science Degree, Western Michigan University, Kalamazoo, Michigan

AFFILIATIONS

President of Muskegon Housing Commission

Former member of Sister Cities of Greater Muskegon

Former Precinct I Delegate Marquette Neighborhood Association

Michigan Education Association Political Action Committee

REFERENCES

Available upon request

Commission Meeting Date: January 13, 2004

Date: December 17, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Sale of Unbuildable Lot at 739 Ellifson Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant unbuildable lot (Parcel #24-205-035-0001-05) at 739 Ellifson Avenue to Daniel & Phyllis McCarthy, owners of 735 Ellifson, Muskegon, MI 49442 and Pamela Scott, 745 Ellifson Avenue, Muskegon, MI 49442. Approval of this sale will allow these two adjacent property owners to expand their current yards (see attached map). As is required by City policy, the subject parcel is being offered for \$100, and will be split between the McCarthy's and Ms. Scott for \$50 each.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution and deeds.

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended approval of this request at their December 16, 2003 meeting.

CITY OF MUSKEGON

RESOLUTION #2004- 02(e)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$50 each from Daniel & Phyllis McCarthy, 1235 S. Mill Iron Road, Muskegon, MI 49442 and Pamela Scott, 745 Ellifson Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their properties at 739 Ellifson Avenue (parcel #24-205-035-0001-05); and

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City.

NOW, THEREFORE BE IT RESOLVED, CITY OF MUSKEGON REVISED PLAT OF 1903 E 120 FT OF N 214 FT OF S 239 FT OF W ½ OF BLK 35 EX N 114 FT OF W 40 FT & EX N 120 FT OF E 40 FT be sold to Daniel & Phyllis McCarthy and Pamela Scott for \$100.

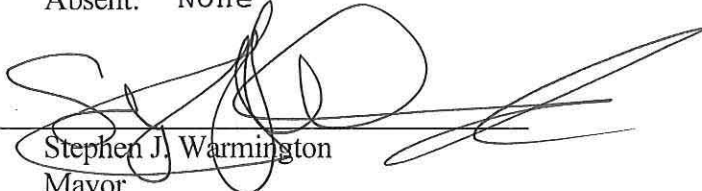
Resolution adopted this 13th day of January, 2004.

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

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____

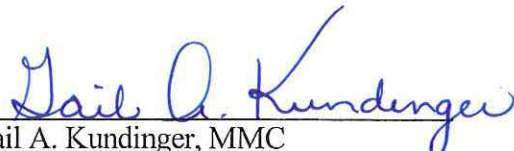

Gail A. Kunderger, MMC
Clerk

2004-02(e)
CERTIFICATION

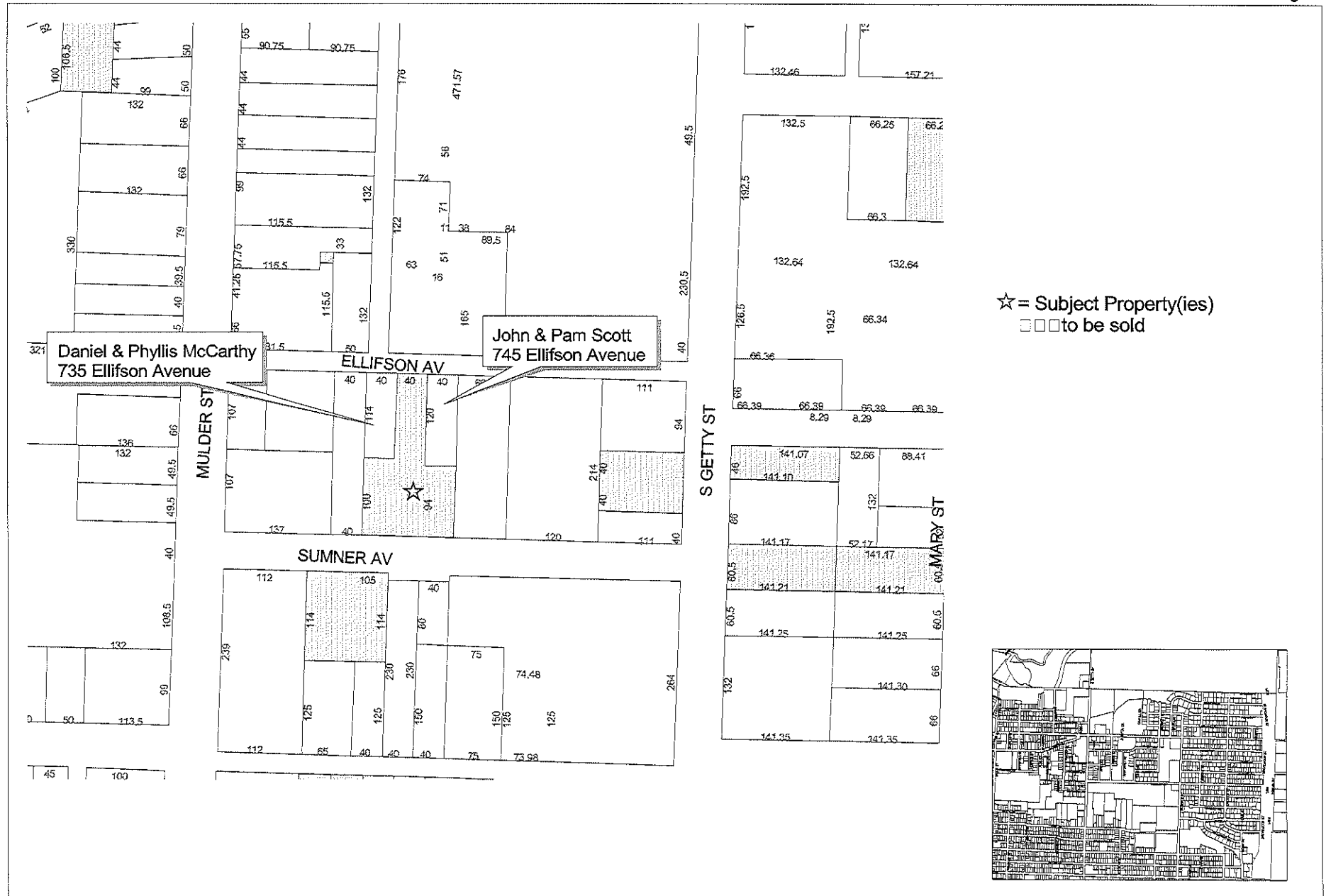
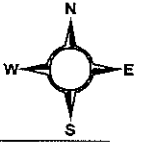
This resolution was adopted at a regular meeting of the City Commission, held on January 13, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunding, MMC
Clerk

Vacant Non-buildable City-Owned Lot 739 Ellifson Avenue



QUIT-CLAIM DEED

Corrected

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **DANIEL McCARTHY and PHYLLIS McCARTHY**, husband and wife, of 1235 S. Mill Iron Road, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, WEST 60 FEET OF EAST 120 FEET OF WEST ½ OF BLOCK 35, EXCEPT THE NORTH 114 FEET OF THE WEST 140 FEET

for the sum of: Fifty Dollars (\$50.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20th day of January, 2004.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By Stephen J. Warmington, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 20th day of January, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

Corrected

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **PAMELA SCOTT**, a married woman, of 745 Ellifson Avenue, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, EAST 60 FEET OF WEST ½ OF BLOCK 35, EXCEPT THE NORTH 120 FEET OF THE EAST 140 FEET

for the sum of: Fifty Dollars (\$50.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20th day of January, 2004.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and [Signature]
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 20th day of January, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **DANIEL McCARTHY** and **PHYLLIS McCARTHY**, husband and wife, of 1235 S. Mill Iron Road, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, WEST 60 FEET OF THE EAST 120 FEET OF THE WEST 1/4 OF BLOCK 35, **EXCEPT** THE NORTH 114 FEET OF THE WEST 40 FEET.

for the sum of: Fifty Dollars (\$50.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 23rd day of April, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on April 23, 2004 by Stephen J. Warmington and Gail A. Kunderger, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **PAMELA SCOTT**, a married woman, of 745 Ellifson Avenue, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, EAST 60 FEET OF THE WEST ½ OF
BLOCK 35, EXCEPT THE NORTH 120 FEET OF THE EAST 40 FEET.

for the sum of: Fifty Dollars (\$50.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 27th day of May, 2004.

Signed in the presence of:

CITY OF MUSKEGON

Linda S. Potter
Linda S. Potter

By [Signature]
Stephen J. Warrington, Its Mayor

JoAnn M. Krukowski
JoAnn M Krukowski

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on May 27, 2004 by Stephen J. Warrington and Gail A. Kunding, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: January 13, 2004

Date: December 12, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 1513 Park Street

SUMMARY OF REQUEST:

To approve the sale of a vacant, marginal lot (Parcel #24-205-417-0003-00) at 1513 Park Street to Scott McCullough, 1519 Park Street, Muskegon, MI, Fanny Hatcher, 1507 Park Street, Muskegon, MI, and Michael South, 453 W. Grand Avenue, Muskegon, MI. Approval of this sale will allow the adjacent property owners to have homes located on buildable lots, as well as expanding their current yards. Since this is a marginal lot, and two of the adjacent property owners are located on unbuildable lots, LRC recommended the sale of this parcel for \$100. The subject parcel will be split between between the three adjacent property owners and the price split between them.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution and the deed.

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended approval at their November 18, 2003 meeting.

CITY OF MUSKEGON

RESOLUTION # 2004-02 (f)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$33 each from Scott McCullough, 1519 Park Street, Muskegon, MI 49441, Fanny Hatcher, 1507 Park Street, Muskegon, MI 49441, and Michael South, 453 W. Grand Avenue, Muskegon, MI 49441 for the purchase of a vacant, City-owned lot located adjacent to their properties at 1513 Park Street (parcel #24-205-417-0003-00); and

WHEREAS, this lot is considered only marginally buildable under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City, and special recommendation of the Land Reutilization Committee; and

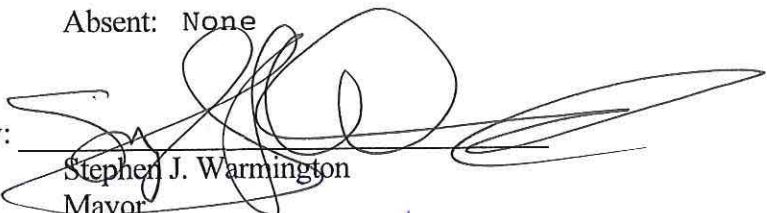
NOW, THEREFORE BE IT RESOLVED, that the CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 3 BLK 417 be sold to Scott McCoullough, Fanny Hatcher, and Michael South for \$100.

Resolution adopted this 13th day of January, 2004.

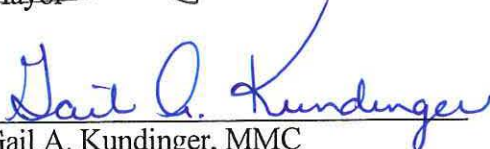
Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron,
Larson

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail A. Kunding, MMC
Clerk

2004-02 (F)

CERTIFICATION

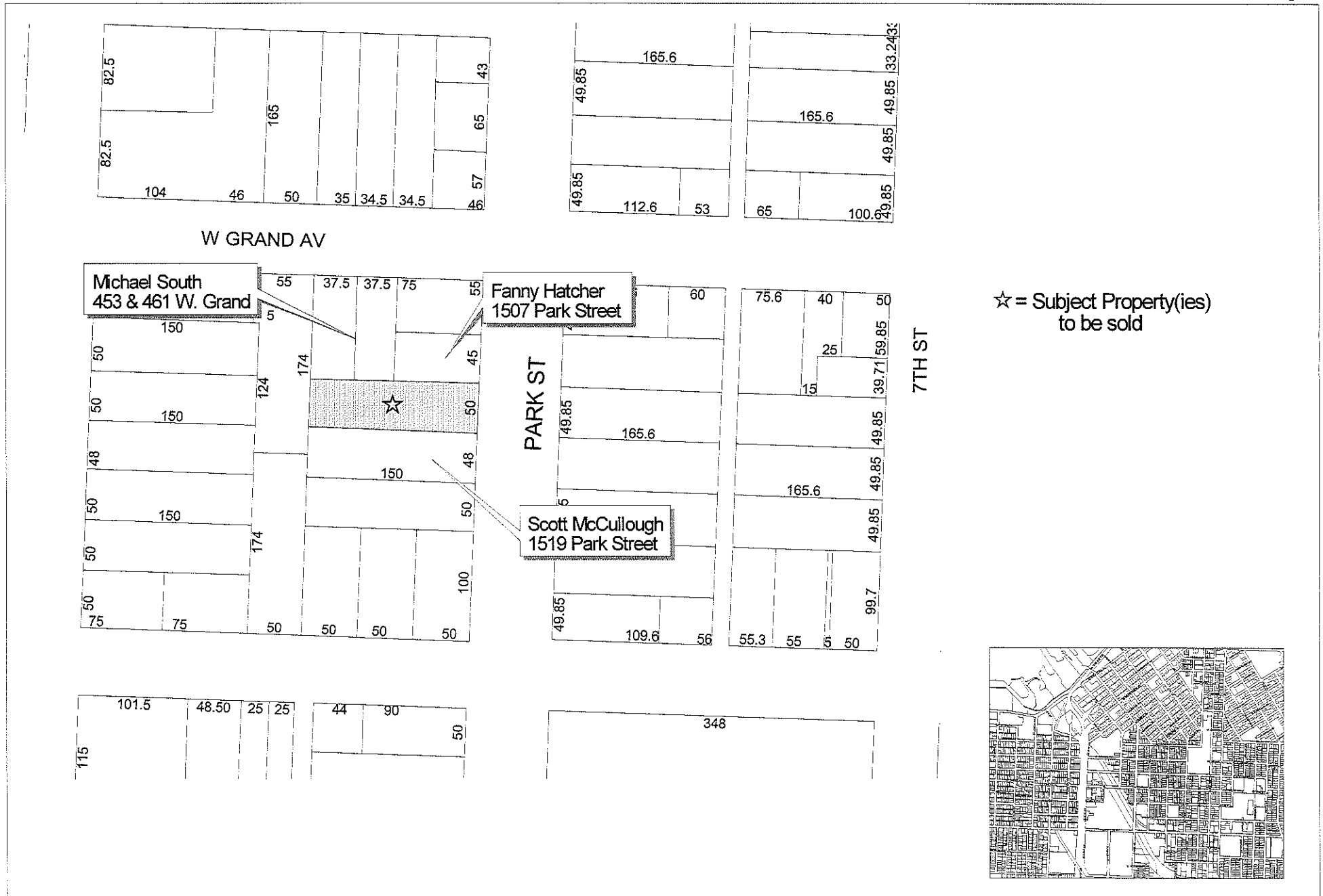
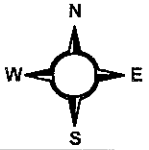
This resolution was adopted at a regular meeting of the City Commission, held on January 13, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunding, MMC
Clerk

Vacant Buildable City-Owned Lot 1513 Park Street



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **SCOTT McCULLOUGH**, a married man, of 1519 Park Street, Muskegon, Michigan 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, THE SOUTH 15 FEET OF LOT 3, BLOCK 417

for the sum of: Thirty Three Dollars (\$33.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20th day of January, 200 4.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 20th day of January, 200 4, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **FANNY HATCHER** of 1507 Park Street, Muskegon, Michigan 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, THE EAST 75 FEET OF THE NORTH 35 FEET OF LOT 3, BLOCK 417

for the sum of: Thirty Three and 50/100 Dollars (\$33.50)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20th day of January, 200 4.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By Stephen J. Warmington Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 20th day of January, 200 4, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **MICHAEL SOUTH**, a married man, of 453 W. Grand Avenue, Muskegon, Michigan 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, THE WEST 75 FEET OF THE NORTH 35 FEET OF LOT 3, BLOCK 417

for the sum of: Thirty Three and 50/100 Dollars (\$33.50)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 20th day of January, 2004.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 20th day of January, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 1/13/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: January 5, 2004

RE: Termination of Old Ferry Agreement

SUMMARY OF REQUEST:

To approve an agreement with Lake Express to terminate the lease agreement dated March 4, 2003, between the City and Lake Express. This agreement was replaced by a new lease agreement dated October 28, 2003.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached agreement.

COMMITTEE RECOMMENDATION:

None.

TERMINATION AGREEMENT

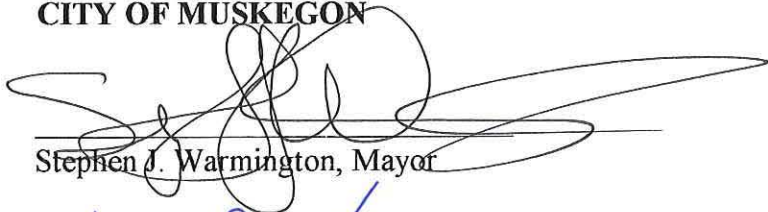
2004-02(g)

This Termination Agreement is between Lake Express, LLC, a Wisconsin limited liability company, and the City of Muskegon, a municipal corporation (together "the Parties").

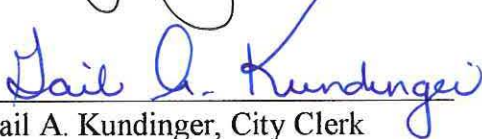
The Parties hereby agree that the Lease Agreement between the Parties, dated the 4th of March, 2003 is hereby terminated and replaced by the Lease Agreement made as of the 28th day of October 2003, by and between the Parties and Great Lakes Marina & Storage, LLC a Michigan limited liability company.

This Agreement is effective as of the 28th day of October, 2003.

CITY OF MUSKEGON

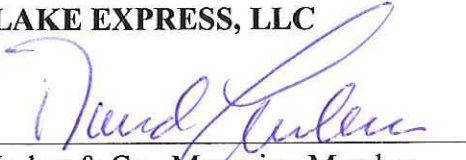


Stephen J. Warmington, Mayor



Gail A. Kunding, City Clerk

LAKE EXPRESS, LLC



Lubar & Co., Managing Member
By: David J. Lubar
Its: President

Date: January 13, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement
Torresen Marine, Inc.

SUMMARY OF REQUEST:

Torresen Marine Inc. has submitted the attached encroachment agreement form requesting your permission to install an underground 2" conduit across Lakeshore Dr. just east of Sampson. The installation would utilize a bore & Jack method.

The conduit would be utilized as telecommunication facility carrier.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement with the supplemental conditions.

COMMITTEE RECOMMENDATION:



3126 LAKESHORE DRIVE • MUSKEGON, MICHIGAN 49441 • FAX (231) 755-1522 • (231) 759-8596 • www.torresen.com

December 1, 2003

Mohammed –
Thank you for your help.

I wanted to review a couple of points from our conversation earlier today.

Appropriate marking & signage would be installed to signify a private underground conduit.

The reasons we would like to connect these properties underground –

- 1) Reduction of maintenance.
- 2) Near elimination of potential lightning problems.
- 3) Cost.

Please feel free to contact me if you need any additional information.

I look forward to hearing from you

A handwritten signature in blue ink that reads "Kathleen Torresen". The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

CITY OF MUSKEGON**ENCROACHMENT AGREEMENT AND PERMIT**

THIS AGREEMENT is made and entered into this 13th day of January 2004, by
and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and
Torresen Marine Inc (hereinafter called LICENSEE).

RECITALS

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as

one 1 1/2" innerduct Conduit installed under Lake Shore Dr

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the city, an accurate legal description]

Lake Shore Dr just east of Sampson

3. The City is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

THEREFORE,

1. City does hereby grant unto LICENSEE the privilege of X constructing, X installing, X maintaining, X repairing X performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term hereing stated. This

privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the City of the required evidence of insurance coverages.

This grant is subject to the following special conditions: List is attached

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of Twenty five Dollars (\$ 25), such payment to be made upon the signing of this agreement to be dated as of the ____ day of _____ 20____, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, _____, unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the city by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to City, and issued by companies acceptable to the City, licensed in the State of Michigan, naming City as an additional insured on any such policy. LICENSEE will file with

City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

1 - city be named additional insured on:
A- General Liability of not less than \$500,000

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the city a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE _ days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the city _____ days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to City and in default thereof shall be liable to City for any cost, damage or expense the City may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

9. This agreement shall be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

Irene Dempsey

Linda Potter

CITY OF MUSKEGON

By

Stephen J. Warrington, Mayor

And

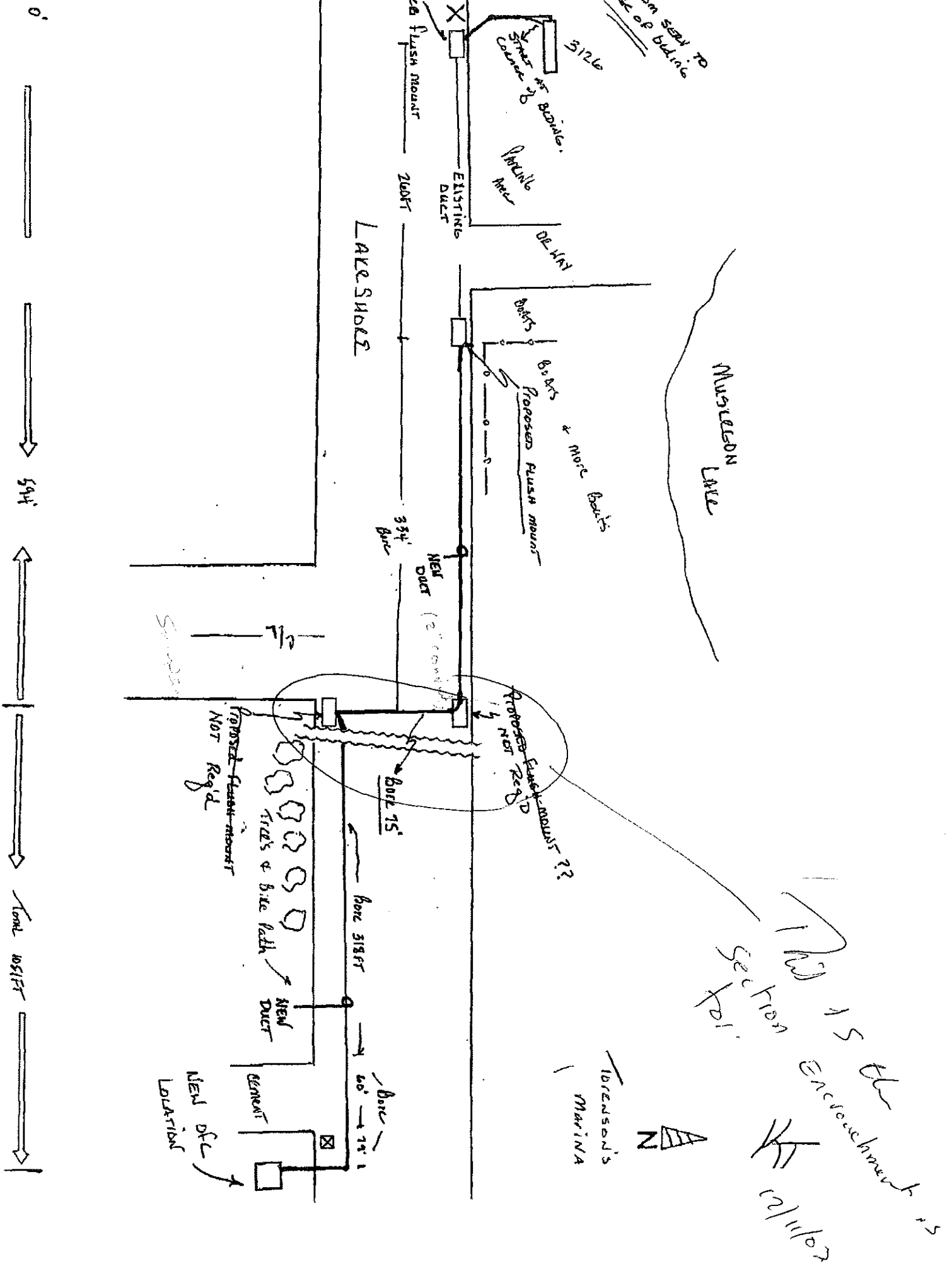
Gail A. Kunding, Clerk

LICENSEE:

Kathleen Toneson 12/11/03
General Manager

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the cables/conduits and any removal or relocation that becomes necessary to facilitate other public improvements projects within said right of way (s).
- 2- Grantee will be responsible for the maintenance and upkeep, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- It shall be the responsibility of the owner to ensure that these facilities are a part of the miss dig system at all times.



Section 15
Encroachment 15
12/11/07

THE SAILBOAT SPECIALISTS



3126 LAKE SHORE DRIVE • MUSKEGON, MI 49441-1198 • (231) 759-8596

THE HUNTINGTON NATIONAL BANK
MUSKEGON, MI 49443

020937

74-347
724

December 2 20 03

PAY ONE HUNDRED & NO/100

*** \$100.00***

TO
THE
ORDER
OF

CITY OF MUSKEGON

⑈020937⑈ ⑆072403473⑆ 01172032015⑈

TORRESEN MARINE, INC.
MUSKEGON, MI 49441-1198

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

VOUCHER NO.	INVOICE NO.	DESCRIPTION	TOTAL AMOUNT	DEDUCTIONS		NET AMOUNT
				DISCOUNT	FREIGHT	
		Encroachment application fee	100.00			

MUSKEGON CITY COMMISSION

RESOLUTION OF SUPPORT AND COMMITMENT FOR PARTICIPATION IN THE "CREATING COOL COLLABORATION" STRATEGIC PLANNING SESSION

WHEREAS, the Michigan Economic Development Corporation, the Michigan State Housing Development Authority and the Department of History, Arts and Libraries, is teaming their respective staff resources to facilitate strategic planning sessions in ten Michigan communities; and

WHEREAS, the City of Muskegon established a Cool Cities group in the fall of 2003, made up primarily of participants in the 20-35 age group, who submitted their ideas for a Cool Muskegon to the Governor in October 2003; and

WHEREAS, a group of 15 representatives from Muskegon attended the "Creating Cool" conference in Lansing in December 2003; and

WHEREAS, the Cool Muskegon group has been meeting since the conference, establishing plans and ideas for creating Muskegon as an even "cooler" place to be; and

WHEREAS, the Muskegon City Commission, in conjunction with the Cool Muskegon group, believes that it is essential to work with the State of Michigan and it's various departments on moving this vital effort forward;

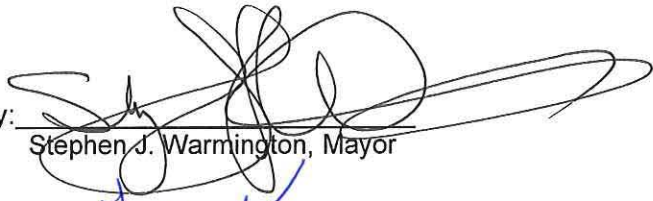
NOW, THEREFORE, BE IT RESOLVED, THAT the City Commission, at its January 13, 2004 meeting, lends its supports and commitment to participating in the strategic planning session being offered by the MEDC, MSHDA and HAL, and further commits to be a part of the Cool Muskegon initiative as we move forward in implementing its goals and actions.

Adopted this 13th day of January, 2004.

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

NAYS: None

ABSTAIN: None

By: 

Stephen J. Warmington, Mayor

Attest: 

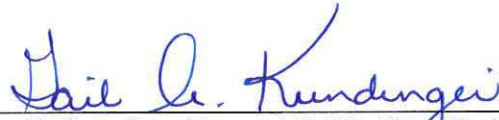
Gail Kunding, Clerk

CERTIFICATION
2004-02(i)

This resolution was adopted at a regular meeting of the City Commission, held on January 13, 2004. 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. Kunderinger, MMC, City Clerk

Commission Meeting Date: January 13, 2004

Date: January 12, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Approval of transfer of obligation

SUMMARY OF REQUEST: To approve a transfer of obligation for a rehabilitation (siding) that was completed by the CNS department in 2002. Currently, Ms. Kimberly Hunter of 130 E. Isabella who has a forgivable 5 year lien with a current balance of \$6,311.20 wishes to sell the property to Ms. Carisa Brown who is purchasing Hunter's home prior to foreclosure. Ms. Brown agrees to accept all of the CNS requirements in reference to the home that was sided by the department in 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve request

COMMITTEE RECOMMENDATION: None

Date: January 13, 2004
To: Honorable Mayor and City Commission
From: City Clerk Gail Kunding
**RE: Fees for Business Registration and Liquor
Licensing Renewals**

SUMMARY OF REQUEST: Approval of amendments to the Master Fee Resolution to include Business Registration fee increase from \$25 to \$30 annually, and Liquor License renewal fee at \$100 annually.

FINANCIAL IMPACT: Additional revenue of approximately \$6,300.

BUDGET ACTION NEEDED: Increase Business Registration revenue.

STAFF RECOMMENDATION: Approve the amendments to the Master Fee Resolution to include the 2004 Business Registration Fee of \$30.00 and the Liquor License renewal fee of \$100.

Commission Meeting Date: January 13, 2004

Date: December 18, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate - Ameriform

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Ameriform, Inc., 1790 Sun Dolphin Drive, Muskegon, Michigan, manufacturer of custom thermoformed plastic products, has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$702,725 in personal property. The project will result in the creation of 5 new employment opportunities. Ameriform, Inc., along with its sister company, KL Industries has a current workforce of approximately 200 people in 3 locations.

FINANCIAL IMPACT:

The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of seven (7) years.

COMMITTEE RECOMMENDATION:

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. **The application should be filed after the district is established and no later than (within) six months after the commencement of the project.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. **(The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.**

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature <i>Dail Q. Kundingew</i>		Application No.	
Date Received <i>12-11-03</i>		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) AMERIFORM INC.		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code 3732	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1790 SUN DOLPHIN DR. MUSKEGON MI 49444		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) 1790 Sun Dolphin Drive, Muskegon, MI 49444		e. City/Twp./Village MUSKEGON	f. County MUSKEGON
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ REHABILITATION (SEC. 3(1))		3. School District Where Facility is Located ORCHARD VIEW	a. School Code 61190
☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") 7 years	
5. Explain Applicant's Principal Type of Business (Detailed description of operations) PRIMARY BUSINESS IS CUSTOM THERMOFORMING OF PLASTICS			

6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.) N/A
--

b. Explain Degree and Type of Obsolescence Affecting Existing Facility. N/A

7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility THE COMPANY PLANS TO PURCHASE ADDITIONAL EXTRUDER AND ALL SUPPORT EQUIPMENT

8. a. Cost of land improvements (Itemize) Excluding cost of land	\$ — 0 —
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)	— 0 —
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)	702,725
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)	— 0 —
TOTAL PROJECT COST	\$ 702,725

INSTRUCTIONS

The original form 1012 (Formerly L-4380) and all required attachments listed below, plus number of additional copies determined by the clerk, **MUST** be filed with the clerk of the local unit where the facility is or will be located.

Furnishing accurate answers and attachments numbered 1-14 of the instructions will eliminate delay and assist in processing of the application. Incomplete applications may be returned or not processed. Certain items are applicable to speculative buildings or rehabilitation applications only and should be marked "N.A." if your application is for a new facility. If the space provided is insufficient, answers should be continued or given on separate attachments.

- ☒ **The following information is required on separate documents attached to form 1012 (formerly L-4380):**
- ☒ 1. Legal description of the real property on which the facility is or will be located. Also provide property identification number if available.
 - ☒ 2. Complete list of new machinery, equipment, furniture and fixtures which will be used in the facility. The list should include description, type, identification, beginning date of (expected) installation by month/day/year, and (expected) cost. Pollution control facilities which you intend to apply for under P.A. 250 of 1965, as amended (air) and P.A. 222 of 1966 (water), are to be listed separately. Detail of machinery and equipment must match amount shown on question 8 on page 1.
 - ☒ 3. This instruction is not applicable to a new facility or speculative building. It is for rehabilitation applications only.
 - ☒ a. List of existing machinery, equipment, furniture and fixtures which will be replaced or renovated.
 - ☒ b. List of existing machinery, equipment, furniture and fixtures which will continue to be used in the facility.The list should include description, type, identification, year of acquisition and original cost.
 - ☒ 4. Proof of date construction started (groundbreaking) such as building permit, footings inspection report, (when available) certified statement or affidavit from contractor. Personal property only applications should have attached a certified statement or affidavit as proof of the date personal property installation commenced.
 - ☒ 5. Complete copy of lease agreement as executed, if applicable, verifying lessee has ad valorem real and personal tax liability.
 - ☒ 6. Certified copy of the resolution adopted by the local governing unit from which employment will be transferred, if applicable. An Industrial Facilities Exemption Certificate can be issued only if the governing body of the unit from which employment is to be transferred consents by resolution to the granting of the certificate. If employment is to be transferred to the new or rehabilitated facility from more than one local government unit, each unit from which employment will be transferred must give its consent.
 - ☒ 7. If the application is for a rehabilitation, a statement by the Assessor showing the Taxable Valuation of the plant rehabilitation district, separately stated for real property (EXCLUDING land) and personal property (EXCLUDING inventory) for the tax year immediately preceding the commencement of the rehabilitation.
 - ☒ 8. A copy of the notice to the general public and the certified notice to the property owners, concerning the establishment of the district. Drawing showing the perimeter of the Industrial Development or Plant Rehabilitation District and where, within the district, the facility will be located.
 - ☒ 9. Certified copy of the resolution establishing the Industrial Development District or Plant Rehabilitation District, which includes a legal description of the district. If the district was not established prior to the commencement of construction, the local unit shall include a certified copy of the filing of the request to establish district.
 - ☒ 10. Copy of the notice and the certified letters to the taxing authorities regarding the hearing to approve the application.
 - ☒ 11. Certified copy of the resolution approving the application.
 - ☒ 12. Letter of Agreement (signed by local unit and applicant) per P.A. 334 of 1993 and Affidavit of Fees (Bulletin 3, 1/16/98).
 - ☒ 13. Treasury form 3222 (Formerly T-1044a) or 1817 (Formerly T-1044) (if applicable) Fiscal Statement For Tax Abatement Request.
 - ☐ 14. Resolution to establish speculative building and non-occupancy statements by the owner and assessor.

ADDITIONAL INSTRUCTIONS

Actual date of completion of the entire project must be furnished to the State Tax Commission and the Assessor within 30 days after completion of the project.

Final cost of the project, broken down between real and personal property must be furnished by the applicant to the State Tax Commission and the Assessor within 90 days after completion of the Project.

Resolution No. 2004-03(a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*AMERIFORM, INC.***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on June 25, 1995, this Commission by resolution established an Industrial Development District # 95-60 as requested by Ameriform, Inc., 1790 Sun Dolphin Drive, Muskegon, Michigan, 49444; and

WHEREAS, Ameriform, Inc. has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be installed within the Industrial Development district #95-060; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on January 13, 2004 at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of machinery and equipment had not begun earlier than six (6) months before December 11, 2003, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.

- 2) The application of Ameriform, Inc. for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon Industrial Development District # 95-060 to wit:

See attached description

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of seven (7) years on personal property.

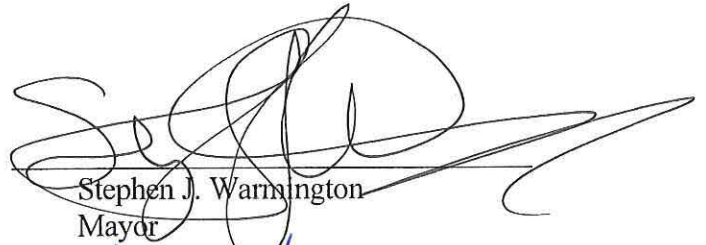
Adopted this 13th Day of January 2004

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

Nays: None

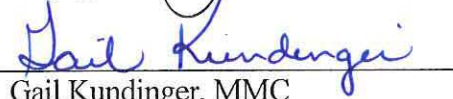
Absent: None

BY:



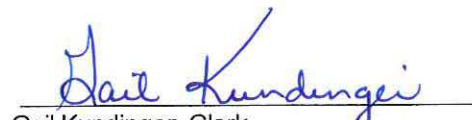
Stephen J. Warmington
Mayor

ATTEST:



Gail Kunderinger, MMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on January 13, 2004.



Gail Kunderinger, Clerk

Attachment # 1
LEGAL DESCRIPTION

Parcel 1:

That part of the South 1/2 of the Southwest 1/4 of Section 34, Town 10 Range 16 West, City of Muskegon, Muskegon County, Michigan, described follows: Commencing at the South 1/4 corner of said Section, thence S 89°34'26" West along the South line of said Section 1382.00 feet, then North 0°46'26" East parallel to the North and South 1/4 line of said S 900.00 feet, thence South 89°34'26" West parallel to the South line of Section 340.00 feet for POINT OF BEGINNING, thence North 0°46'26" East parallel to said North and South 1/4 line 440.45 feet to the North line said South 1/2 of the Southwest 1/4, thence South 89°46'13" West along North line 940.12 feet to the West line of said Section, thence South 1°08'39" West along said West line 7.32 feet to the Northeasterly line the Michigan State Highway Department Right-Of-Way as described in a De recorded in Liber 703, Page 374, thence South 34°43'34" East along said Northeasterly line 528.10 feet, thence North 89°34'26" East 633.50 feet Point of Beginning.

Parcel 2:

That part of the South 1/2 of the Southwest 1/4 of Section 34, Town 10 Range 16 West, City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the South 1/4 corner of said Section, thence North 0°46'26" East along the North and South 1/4 line of said Section 350.00 feet to the North line of Sherman Boulevard, thence South 89°34'26" West parallel to the South line of said Section and along the North line of said Sherman Boulevard 350.00 feet, thence North 0°46'26" East parallel to said North and South 1/4 line 411.78 feet, thence Northerly along the arc of a 200.00 foot radius curve to the left a distance of 19.22 feet (the central angle of curve is 5°30'20" and the long chord of said curve bears North 1°58'44" 19.21 feet) to POINT OF BEGINNING, thence Northwesterly along the arc of a 200.00 foot radius curve to the left a distance of 299.13 feet (the central angle of said curve is 85°41'40" and the long chord of said curve bears North 47°34'44" West 272.02 feet), thence South 89°34'26" West 1007.78 feet, then North 30°12'47" West 67.97 feet, thence South 89°34'26" West 125.00 feet, thence North 0°46'26" East 315.45 feet to the North line of said South 1/2 of the Southwest 1/4, thence North 89°46'13" East along said North line 733.00 feet to the Southerly line of Consumers Power Company property (100.00 foot wide adjacent to 50.00 foot wide Pennsylvania Railroad property), thence South 71°07'50" East along said Southerly line 1039.86 feet to the North line of said South 1/4 line of said Section, thence South 58°36'41" West 414.43 feet to Point of Beginning. Subject to an Easement for utility purposes vested in the City of Muskegon in Liber 1157, Page 134.

AGENDA ITEM # _____

TO: Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: January 13, 2004
RE: Tentative Agreement Reached with Muskegon Police Command Union

SUMMARY

Staff recommends approval of the set of tentative agreements reached with the Muskegon Police Command Union. Tentative Agreements were ratified by the union membership at a meeting held on Monday, January 12, 2004.

FINANCIAL IMPACT

The overall financial packet is about 10% of payroll. The packet includes the following significant economic agreements:

Union

Wages

<u>2004</u>	<u>2005</u>	<u>2006</u>
2.00%	2.00%	2.00%

Pension

Effective 12/31/06, increase multiplier from 2.5% to 2.75% (for normal retirement), and change retirement age from 55 w/25 yrs. of service to age 53 w/25 yrs. of service.

Insurance

Increase major medical cap from \$225,000 to \$300,000

City

Future Reduction in Health Care Costs

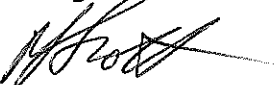
- Increase co-pays for generic and brand name drugs;
- Increase premium co-pay to \$20 bi-weekly;
- 1/1/04 limit retiree dependents to those identified at time of retiree retirement.
- Establish employee health insurance savings account to allow employees to contribute pre-tax monies to be used for health and prescription costs after retirement.

BUDGET CHANGE

None

STAFF RECOMMENDATION

Staff recommends approval.

Date: December 22, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Parks Parking Ordinance

SUMMARY OF REQUEST:

To adopt the attached ordinance, which will allow for level 3 parking tickets for parks as was in the old set of parking ordinances.

FINANCIAL IMPACT:

Continues the Level 3 tickets for parks at \$17.50

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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 Dept.
(231)724-6792
FAX: (231)724-6985

Income Tax
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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

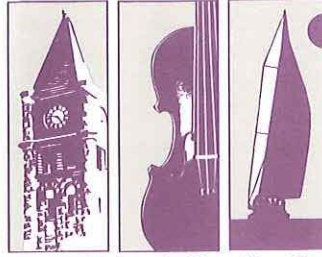
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

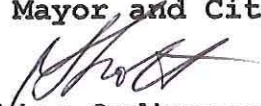
MUSKEGON



West Michigan's Shoreline City

Date: December 22, 2003

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Parks Parking Ordinance

When the parking ordinance was updated to the state language the level 3 parking violations for parks and the launch ramps was inadvertently omitted. This ordinance would reinstate the level 3 parking violation, which is now a \$17.50 fine.

I would ask that you adopt the attached amendment to the City's code of ordinances.

Thank you for your consideration.

CITY OF MUSKEGON
Ordinance Amendment No. 2120

An ordinance amending Section 58-3 under the ordinance of the City of Muskegon.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 58-3 of the Parks and Recreation Ordinances of the City of Muskegon states as follows:

Parking vehicles within City Parks or within 50 feet of a public boat launch in violation of parking rules; violation as a civil infraction.

No person shall park a vehicle inside a City Park in violation of the parking ordinances of the City of Muskegon, or within 50 feet of a public boat launch. Violation of this section shall be subject to a level 3 parking fine under Subsection 8.29 of Section 20-6 of the Code of Ordinances of the City of Muskegon.

This ordinance adopted:

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

Adoption Date: January 13, 2004

Effective Date: January 27, 2004

First Reading: January 13, 2004

Second Reading: N/A

CITY OF MUSKEGON

By

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 13th day of January, 2004, 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 13, 2004

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on January 13, 2004, the City Commission of the City of Muskegon adopted an amendment to Section 58-3 under the Parks and Recreation ordinances of the City of Muskegon, summarized as follows:

Section 58-3 Parking a vehicle inside a City Park or within 50 feet of a public boat ramp in violation of the parking rules of the City of Muskegon shall be a civil infraction. A parking violation that occurs within a City park or within 50 feet of a City-owned boat launch shall be subject to a \$17.50 fine if paid within 7 days, a \$35.00 fine if paid after 7 days but before 14 days, a \$52.50 fine if paid after 14 days but before 30 days, or a \$70.00 fine if paid after 30 days.

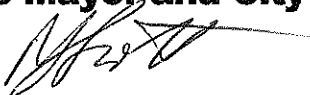
Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: January 17, 2004

By Gail A. Kunding, MMC, Its Clerk

Date: December 22, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Ruddiman Creek Access Agreement

SUMMARY OF REQUEST:

To authorize the Mayor and Clerk to sign the attached access agreement to allow for the removal of contamination in Ruddiman Creek

FINANCIAL IMPACT:

None, to the City

BUDGET ACTION REQUIRED:

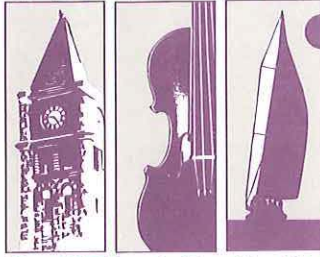
None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

MUSKEGON



West Michigan's Shoreline City

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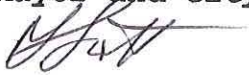
Treasurer's Office
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FAX: (231)724-6768

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

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

Date: December 22, 2003

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Ruddiman Creek Access Agreement

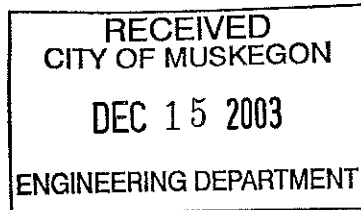
Attached is an access agreement to allow for the clean up of Ruddiman Creek. MDEQ an Earth Tech needs our permission as the landowner to access the City's property to apply for a permit to remove contamination form Ruddiman.

Staff recommends that you authorize the Mayor and Clerk to sign the agreement.

Thank you for your consideration.

December 12, 2003

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



RE: Permission to Submit Permit Application & Associated Access Agreement for Removal Activities in Ruddiman Creek

Dear City of Muskegon:

The Michigan Department of Environmental Quality (MDEQ) and Earth Tech, Inc. are working together to implement remediation efforts in the Ruddiman Creek watershed. Our current efforts are focused on removal activities slated to occur during the summer or fall of 2004. When implemented, the activities would occur in Ruddiman Pond and along select portions of the Main Branch of Ruddiman Creek. The attached Fact Sheet details the plans further.

Telephone

616.942.9600

Facsimile

616.942.6499

Because you are a landowner along the Ruddiman Creek Pond and/or Main Branch, the MDEQ and Earth Tech must request permission from you to submit a permit application to the State of Michigan for approval of the aforementioned activities. Therefore, we are asking for your permission to submit the application at this time. You will be provided a public notice of the application and will have an opportunity to comment on the application. Access is also being requested at this time to landowners for right of entry into the work areas (designated as the Ruddiman Creek Pond and Main Branch). Representatives will be available at the next Ruddiman Creek Task Force meeting to discuss the aforementioned issues with you. You will be contacted regarding the date and time of this meeting.

After reading the attached Fact Sheet, please sign at the location indicated below and return this letter along with the signed Access Agreement (attached) to:

Attn: Tamara Buitendorp
Earth Tech, Inc.
5555 Glenwood Hills Parkway SE
Grand Rapids, MI 49512

Thank you very much for your assistance. Your cooperation will help us to implement remediation of the Ruddiman Creek Pond and Main Branch. Any questions or comments you may have may be directed to either myself at (616) 940-4415 or to Mike Alexander of the MDEQ at (517) 335-4189.

Sincerely,
Earth Tech, Inc.

Tamara Buitendorp, P.E.
Project Engineer

I give the MDEQ and Earth Tech, Inc. permission to submit a permit application for removal activities associated with the Ruddiman Creek Pond and the Main Branch of Ruddiman Creek located in Muskegon, MI.

Signed:
Stephen J. Warmington, Mayor

Date: 1-13-04

E A R T H  T E C H

A Tyco Infrastructure Services Company

CONSENT TO ENTER PRIVATE PROPERTY

January 13, 2004

(Date)

1550 Glen (24-205-614-0001-00)
 1471 Nolan Ave. (24-205-543-0007-00)
 1402 Glen 924-382-000-9998-10)
 1410 Glen (24-036-3000002-00)
 2120 Addison (24-205-610-0001-00)
 1426 Glen (24-382-000-9997-00)
 1705/1915 Lakeshore Dr. (24-205-610-0001-00)
Muskegon, MI 49441
 (Legal Description of Property)

I, Mayor Stephen J. Warmington, 933 Terrace
 (Print Name) (Address)
Muskegon, MI 49440 (231) 724-6701
 (City, State, Zip Code) (Telephone)

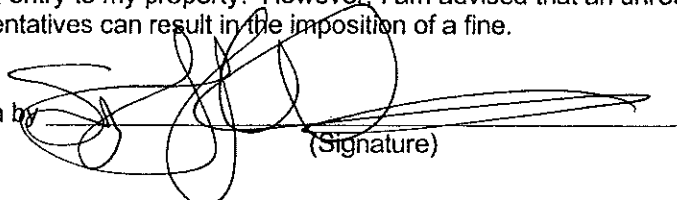
owner of the property described above, having been informed of the request of the Michigan Department of Environmental Quality (MDEQ) to conduct response activities on this property, hereby permit and authorize the MDEQ, its employees, contractors, or authorized representatives to have entry and as necessary to re-enter the above-described premises and to undertake any and all response activities to accomplish the necessary response actions described in the attached Fact Sheet. I understand that the MDEQ is conducting response activities to reduce the impact of environmental contamination. I also understand that the MDEQ believes at this time that the source of the contamination may have originated on properties adjacent to or in the vicinity of my property and as a result of natural occurrences or human activities contamination may have migrated or spread onto my property.

I understand that I am entitled to accompany the MDEQ, its employees, contractors, or authorized representatives during these activities; to participate in the collection of any split samples taken as part of these activities; and, if I so request, to receive a copy of any sample analysis results, photographs, or videotapes taken as part of these activities. I agree to comply with the requirements of the facility health and safety plan while on site during these sampling activities.

I agree that the duration of this entry authorization shall be of such reasonable length to enable the MDEQ, its employees, contractors, or authorized representative to satisfactorily complete the activities described above. If I choose to revoke this entry authorization, I agree that I will do so in writing and deliver it to Mr. Mike Alexander, MDEQ – Water Division, Constitution Hall – 2nd Floor South, 525 West Allegan Street, P.O. Box 30473, Lansing, MI 48909-7973 at least thirty (30) days prior to the effective date of the revocation of entry authorization. I agree that the duration of this entry authorization shall continue until either I revoke it, or the activities described above are completed. I also agree that as long as this entry authorization remains in force, I will not interfere with, interrupt, change, or otherwise disturb any systems or equipment installed or utilized by the MDEQ, its employees, contractors, or authorized representatives.

I understand that I may refuse the MDEQ entry to my property. However, I am advised that an unreasonable refusal to MDEQ or its authorized representatives can result in the imposition of a fine.

This voluntary, written permission is given by



(Signature)

Ruddiman Creek Remediation – Fact Sheet

The Michigan Department of Environmental Quality and Earth Tech, Inc. are working together to remove impacted sediments in Ruddiman Creek. This Fact Sheet has been completed to inform residents and interested parties of the work slated to occur in the Ruddiman Creek area during 2004.

Why are Remedial Activities taking place along Ruddiman Creek?

Investigations performed in 2000 and 2001 identify areas of the Ruddiman Creek Pond and the Main Branch which exceed site criteria for cadmium, chromium, PCBs, lead, and benzo(a)pyrene. In 2002/2003 a Focused Feasibility Study was conducted to identify appropriate remedial actions for the impacted sediments. Removal was chosen as the final recommendation. Therefore, sediment removal activities are being undertaken to remediate areas identified to be impacted with cadmium, chromium, PCBs, lead, and benzo(a)pyrene at levels exceeding the site criteria.

What areas will be affected and when?

Ruddiman Pond and portions of the Main Branch of Ruddiman Creek will be affected and are identified as shaded areas on the map below. Removal activities are currently slated to take place in the summer or fall of 2004.

What type of access will the contractors need to complete the work?

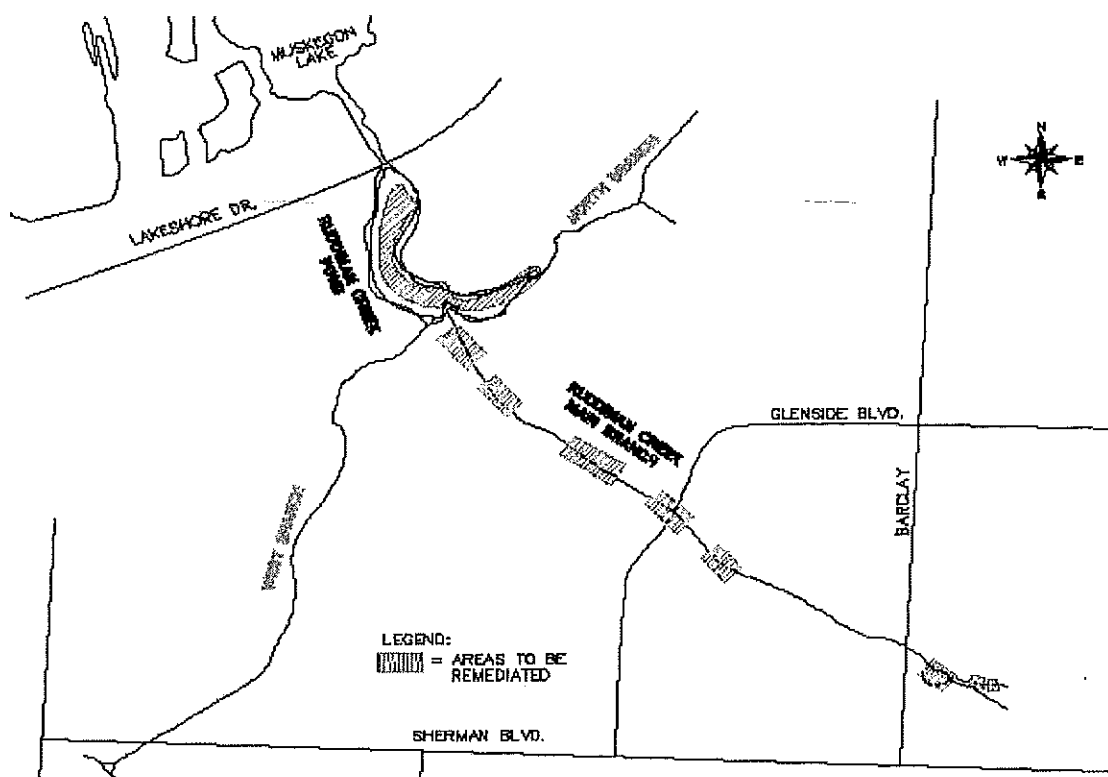
The chosen contractor will likely access Ruddiman Pond and the Main Branch at main road crossings whenever possible. When other access points are required, the specific landowner will be approached for access.

How will the work be completed?

Work areas will be delineated with orange construction fence prior to the start of work. For their own safety, area residents and the general public will be restricted from all work areas. Sediments will either be mechanically removed, or will be pumped to a holding area. All removed sediments will be disposed of at a licensed landfill. Once the impacted sediments have been removed, samples will be taken to verify that remediation goals have been met.

Who do I contact with questions?

Interested parties may contact either Mike Alexander of the MDEQ at (517) 335-4189 or Tamara Buitendorp of Earth Tech at (616) 940-4415.



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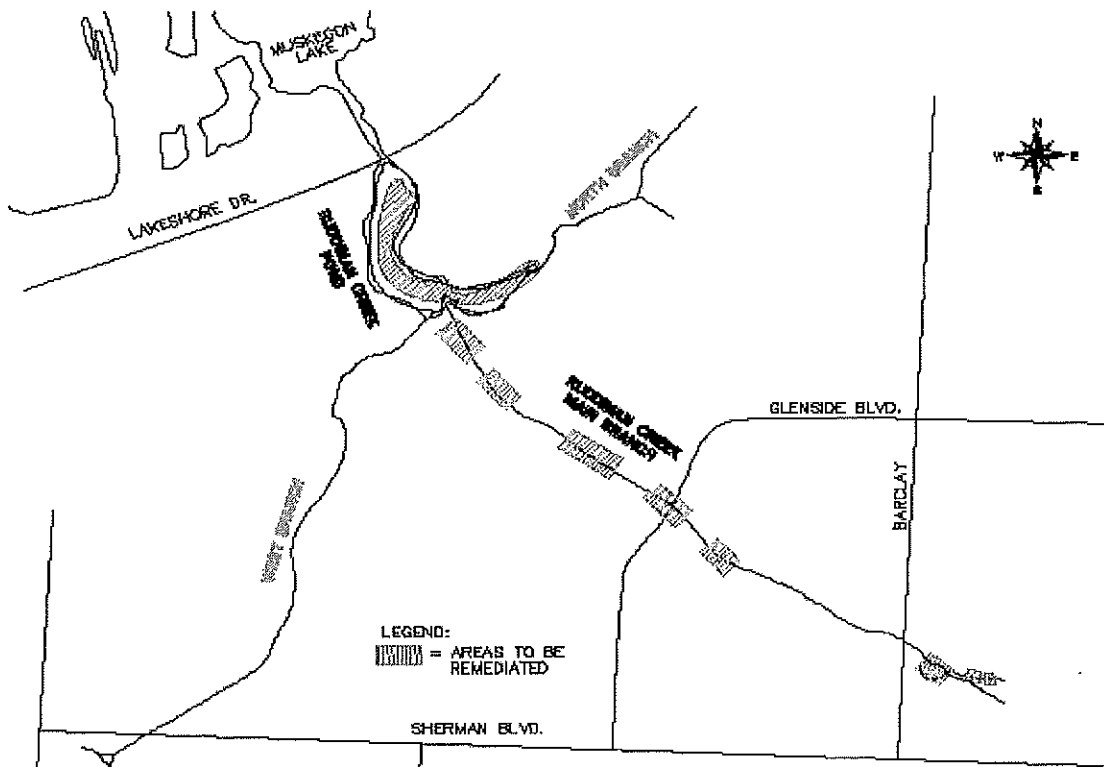
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FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
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616/724-6750
FAX/722-5140

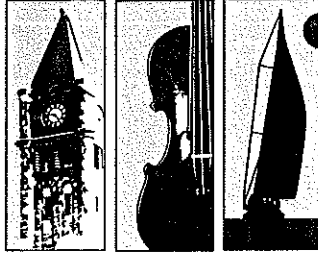
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

January 26, 2004

Earth Tech
5555 Glenwood Hills Parkway, SE
PO Box 874
Grand Rapids, MI 49588-0874

Dear Sir:

Enclosed is the Ruddiman Creek Access Agreement that was approved by the City Commission at their January 13, 2004, Commission Meeting.

Thank you,

Linda Potter

Linda Potter, CMC
Deputy Clerk

Enc.

Commission Meeting Date: January 13, 2004

Date: January 6, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Denial of Parking Ramp Proposal

SUMMARY OF REQUEST: The City distributed a Request for Proposals for the City Parking Ramp this fall. The proposals were due in late November. The only proposal received was from St. Mary's Catholic Church. They proposed a real-estate "swap", which included the City demolishing the existing City ramp, then swapping the land with St. Mary's for their parking lot on the SW corner of Jefferson and Webster (see attached proposal). It is recommended that the proposal be denied, as the City would be responsible for the expense of demolishing the parking ramp.

FINANCIAL IMPACT: None (if the proposal is denied), with the exception that the City will continue to provide minimal maintenance on the facility until it is reused or sold at a later date.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the proposal from St. Mary's Church.

COMMITTEE RECOMMENDATION: None.



Church of the Immaculate Conception

239 West Clay Avenue / Muskegon, Michigan 49440 / (231) 722-2844 / Fax (231) 722-0733

November 24, 2003

Mr. Joel Fitzpatrick
Planning and Economic Development Department
Muskegon City Hall
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443

Dear Mr. Fitzpatrick,

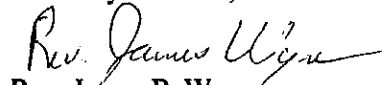
St. Mary's Catholic Church is pleased to present the Planning and Economic Development Department of the City of Muskegon our proposal for the purchase and redevelopment of the City owned parking ramp. We are eager and interested to participate in the dynamic changes occurring in Downtown Muskegon.

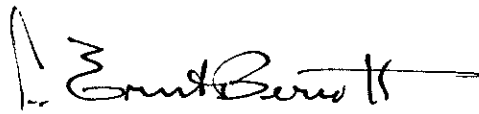
We see these changes as an opportunity to continue the long-standing relationship, which exists between St. Mary's and the City of Muskegon. St. Mary's was the first church built in Muskegon in 1856. This church was quickly outgrown and the existing church building on the corner of First and Webster was built in 1886. This was the tallest building in Muskegon at the time. The City of Muskegon along with its citizens purchased the bell for the church and had it installed. The bell not only called the faithful to Mass but also rang out the hourly time and was used in emergencies to alert citizens of a fire or other danger. The inscription on the bell confirms the contribution from the City of Muskegon and it's citizens to St. Mary's.

We request the Planning and Economic Development Department look favorably upon our proposal. We feel this proposal will benefit the City of Muskegon, downtown businesses, employees, customers, visitors, St. Mary's Church and parishioners.

We realize your department will be reviewing hundreds of proposals regarding the parking ramp. Representatives from St. Mary's are available to meet with you to discuss and explain the proposal. We look forward to hearing from you and we thank you in advance for giving our proposal consideration.

Sincerely in Christ,


Rev. James B. Wyse


Rev. Ernest J. Bernott

Proposal for the Purchase and Redevelopment of the City Owned Parking Ramp

I. Offering Price

St. Mary's Catholic Church proposes a real-estate swap. We currently have title to the fenced in parking lot on the SW corner of Jefferson and Webster Ave. Several years ago city officials including representatives from the fire department inquired about acquiring the lot in order to build a new fire station. The need was due to the current fire station being located in the Historical district with no ability for expansion. The lot (see attachment "A" for real estate appraisal) was appraised at a value of \$350,000 in 1994. Both parcels have approximately the same square footage. For the real-estate swap to be complete, St. Mary's requires the city to tear down the ramp and asphalt pave the lot.

II. Proposed Use of the Property

In the immediate future, the property would be used as a parking lot. With the downtown area losing the mall and several hundred parking spaces, St. Mary's believes the need for restricted, controlled and approved parking for downtown businesses will be in high demand. The new parking lot would also serve as over flow parking for Sunday Masses, special events at St. Mary's or anywhere else in the downtown area.

III. Timetable for Redevelopment

Immediately – based on acceptance by the City of Muskegon and approval of the Diocese of Grand Rapids.

IV. Consistency of Proposed Development with City Plans

The development of a new parking lot in the place of the parking ramp in addition to the City's acquisition of a parcel of property close to other city government buildings provides a consistent development theme for the downtown area. The City will have a more accessible lot to construct a new fire barn, other facility or sell the lot to another developer.

V. Compatibility with Surrounding Properties

A new, landscaped parking lot next to St. Mary's on First Street will be very compatible with the surrounding properties. St. Mary's will streetscape the sidewalks and landscape the parking lot to fit any new look created by the new downtown construction or recommendation by the City. The parking lot will benefit local businesses by providing employees with a place to park.

VI. Background and Description of Bidder's Development Experience

Whereas St. Mary's Church does not have development experience, interested parishioners (members) who have development experience contribute their time and talent for any new acquisition, building or major renovation/restoration project. When the talent pool does not equal the demands of the new acquisition, building or project, St. Mary's out-sources necessary work in order to accomplish the goal.

VII. Estimated Number of Jobs to be Created

A new parking lot next St. Mary's on First Street will not create any long-term employment or jobs. Short term contractual work necessary to take the parking ramp down, asphalt the lot and install the landscaping/street-scaping will result in other companies keeping current employees working with the potential of new hire being added. On the other hand, if the City accepts this proposal and builds a new municipal building such as a fire station on the Webster lot, the City of Muskegon would need to provide the number of newly created jobs.

VIII. Estimated Amount of Investment

St. Mary's total investment associated with this proposal includes the cost to landscape, streetscape and light the new parking lot on First Street across from St. Mary's. This range has been estimated to be from \$30,000.00 to \$40,000.00 depending on any special requirements as directed by the City. Additional fees tied to the investment include any real estate and attorney fees associated with the acceptance of this proposal, which are unknown at this time.

City of Muskegon

Resolution # 2004-04(e)

WHEREAS, Nugent Sand Company located in the City of Norton Shores, excavates, processes and supplies specialty sands to foundries all over the country; and

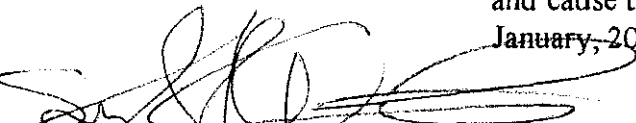
WHEREAS, in the course of extracting sand Nugent has created two water-filled quarries, North Lake and South Lake. The raw sand that is excavated must be washed and chemically treated to produce a material that meets the foundry industry's needs. In this process the clays, silts and natural organic debris are washed out with North Lake Water, then carbonates are removed by the addition of PAMAK, a commercial food grade fatty acid, which allows carbonates to float off the sand. Then pine oil is used to coagulate the floating carbonates so that they can be skimmed off, and

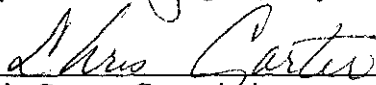
WHEREAS, in the past, Nugent Sand Company has been discharging all process wastewaters to the groundwater leaving the well water in the area with increased amounts of iron and manganese, making it undesirable for use by the residents. The MDEQ wants the discharge of wastes to groundwater to cease. To comply with this Nugent is proposing to construct a 36" steel pipe through the barrier dune to Lake Michigan by the bore and jack method. This pipe would be some 700 feet in length and would terminate with an outlet structure and rip-rap in the vicinity of the beach. The structure will be made of tons of rock and riprap, 65' long and 35' wide.

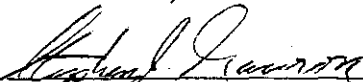
NOW THEREFORE BE IT RESOLVED, that I, Steve Warmington, Mayor of the City of Muskegon, speaking on behalf of the City Commission and our citizens do hereby declare our strong opposition to the construction of a pipeline through the barrier dune to Lake Michigan for the following reasons:

1. The construction of the pipeline through the dune creates the potential for collapse of the dune during construction.
2. The volume of water discharge at the outfall is likely to destabilize and increase erosion of the dune bluff, fore dune and beach area.
3. The discharge during the winter months when Lake Michigan freezes that the discharge may flood the beach and cause even more erosion.
4. It will cause destabilization and increase erosion of the dune bluff and severe damages to the beach and the Lake Michigan bottom.
5. The structures and dispersement process created on the Lake Michigan side of the dune will be unsightly and create a serious impediment to the enjoyment and natural beauty of the beach.
6. The concern over the quality and quantity of water discharged to Lake Michigan and the aesthetics of a potential plume in Lake Michigan.

IN WITNESS WHEREOF, we do hereby set out hands,
and cause the Seal of the City to be affixed this 13th day of
January, 2004

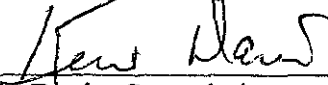

Stephen J. Warrington, Mayor


Chris Carter, Commissioner


Stephen J. Gawron, Commissioner


Lawrence O. Spataro, Commissioner


Bill Larson, Vice Mayor


Kevin Davis, Commissioner


Clara Shepherd, Commissioner

DATE: January 5, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030137-Address: 781 W. Southern.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **781 W. Southern (Area 12)** 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: #EN030137, 781 W. Southern – Area 12

Location and ownership: This structure is located on W. Southern between Beidler and Henry Streets. It is owned by Beneficial Michigan.

Staff Correspondence: This property was written as a dangerous building 8/19/03 when the housing inspector referred it to the Director of Inspections because of the conditions. The Notice and Order to repair or remove was issued 9/17/03 and the Housing Board of Appeals declared the structure on November 6, 2003. No one was present at that meeting to represent this case.

Owner Contact: None

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$ 23,100

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

Estimated Cost of Repairs: \$6,000 plus the cost of interior repairs

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, January 13, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

781 W. Southern

8/19/03

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. All damaged siding must be repaired.
3. Numerous windows are broken out and must be repaired/replaced.
4. Rear "steps" rotted and inadequate.
5. Fascia is rotted.
6. Rim-joist rotted.
7. Numerous cats in and around building (entering through window).
8. Ceiling missing in kitchen and dining room.
9. Exposed wiring in kitchen & dining room.
10. Open outlet box in bathroom.
11. Numerous outlet & switch covers missing.
12. Fueled equipment stored in house and blocking exits.
13. Flooring system is not stable.
14. Foundation (front) needs repair/replacement.
15. Vegetation growth on house.
16. Combustibles stored near exits.

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

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

Don LaBrenz, Building Inspector

DATE



781 SOUTHERN

AGREEMENT

THIS AGREEMENT, made this February 18, 2004 by and between:
Franklin Contractors

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

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

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **781 W. Southern** as well as
required supplemental work for the completion of this project, all in strict
accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$3400**

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

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

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

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

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

ATTEST:

CONTRACTOR:

BY: STEVEN R. FRANKLIN / PRESIDENT
Printed name and title

ATTEST:

Linda Potter
Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor

Dale A. Kundergei
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, STEVEN R. FRANKLIN, certify that I am the PRESIDENT

of the Corporation named as contractor herein;

That _____, who signed this Agreement on behalf of the

Contractor, was then _____ of said Corporation:

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

Signed:

Steven R. Franklin

(CORPORATE SEAL)

STEVEN R. FRANKLIN / PRES.
Printed Name and Title

DATE: January 5, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #01-051-Address: 1166 W. Grand.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1166 W. Grand (Area 12)** 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: #01-051 – 1166 W. Grand – Area 12

Location and ownership: This structure is located on W. Grand west of Barclay at the end of the cul de sac. It was owned by Kenneth & Maryjane Sanford and they sold it on a land contract to James & Tamara Ward. An inspection was conducted on 11/15/01 due to complaints regarding the exterior condition of the home. A notice and order to repair or remove was issued 2/26/02. The case was heard before the HBA on May 2, 2002 and it was tabled for 180 days. At that time it was ordered that the repairs to the front of the house be completed within 30 days and the exterior repairs be completed within 90 days. It was stated if the conditions were met, the case would not be brought back to the HBA. The exterior repairs were not completed and the case was heard again before the HBA on 12/5/02. The Wards were not present, but they called the office on 11/27/02 and stated they had been working inside and spent a large amount of money on the electrical work and that the front of the house would be completed within 60 days. There has been no contact with the owners since that date. The HBA declared it dangerous and substandard on 12/5/02. The case was brought before City Commission on 3/25/03 and was tabled indefinitely to give the Wards an opportunity to repair. In September 2003 they had a furnace installed, with the help of CNS. On 11/17/03 a complaint notice was issued regarding junk on the front porch and reissued 12/1/03. On 12/18/03 a \$100 civil infraction was issued for storing rubbish on the porch. On this date it was discovered that the gas had been shut off for non-payment and the Wards had moved to Florida and they are renting the house out. An officer attempted to speak to someone at the house due to neighbor complaints, but got no answer. He was able to see a small propane stove inside on the kitchen counter. Another exterior inspection was conducted 1/2/04.

Staff Correspondence: A dangerous building inspection report was written 11/15/01 and Notice and Order to repair or remove was issued 2/26/02. On 5/2/02 the HBA tabled the case for 180 days to allow the owner to complete repairs. On 12/5/02 the HBA declared the house substandard and dangerous. On 3/25/03 the City Commission heard the case and tabled it indefinitely.

Owner Contact: The owners were present at the 5/2/02 HBA meeting and stated they wanted to repair the house. A progress inspection was ordered by the City Commission 3/25/03 and was conducted 4/10/03. The Wards have not contacted the Inspection Department since then, but have been in Contact with CNS for financial help with the furnace.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$26,500

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

Estimated Cost of Repairs: \$25,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, January 13, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1166 W. Grand
1/6/04

Inspection noted:

1. Re-roof back section of home to code.
2. Incomplete siding.
3. Rebuild back porch – landing- stair to MRC 2000 requirements.
4. Tuck point all loose block in foundation wall.
5. Back yard shed is non-compliant and must meet zoning and building code requirements – must be removed.
6. Repair side porch damage – landing steps – column – soffit.
7. Replace all damaged doors.

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

1166 W. Grand Ave.

11/15/01

Inspection noted:

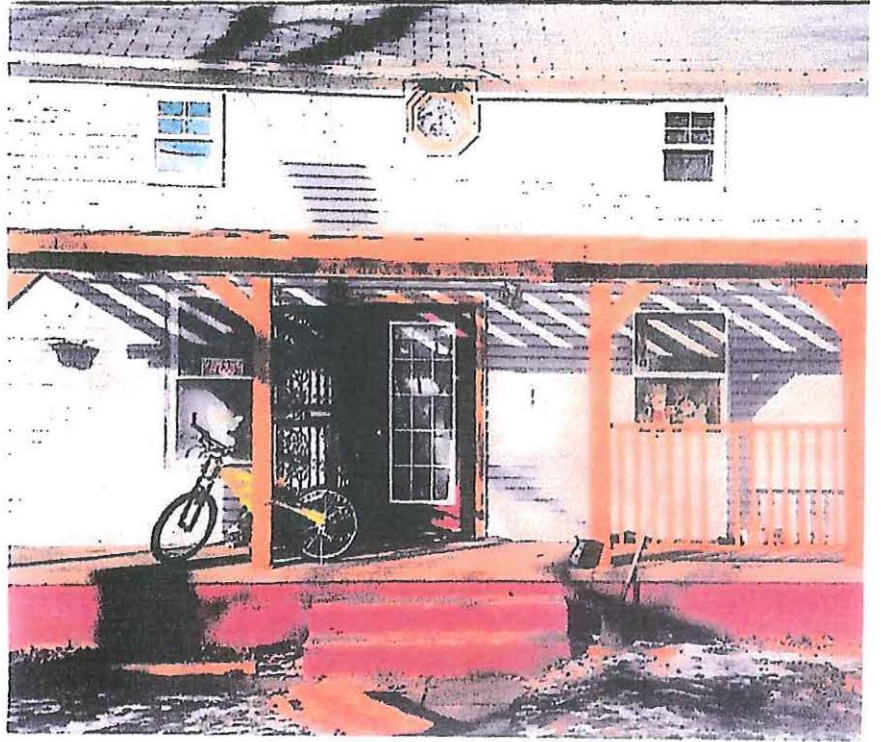
1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Front porch damaged by tree – needs structural repair.
3. Broken windows on home.
4. Working on home with no permits, interior and exterior of home.
5. Contacted owner – owner stated a financial problem. Have not had contact with owner since and no permits have been issued at this date.

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

FRONT →



1166
W. GRAND

BACK →



AGREEMENT

THIS AGREEMENT, made this February 18, 2004 by and between:
Press's LLC

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

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

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **1166 W. Grand** as well as required
supplemental work for the completion of this project, all in strict accordance with
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$3600**

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

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

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

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

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

ATTEST:

CONTRACTOR:

BY: Alan Jager, Pres
Printed name and title

ATTEST:

Irene Dempsey

CITY OF MUSKEGON

BY: [Signature]
Mayor

Gail A. Kundergeri
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Jager, certify that I am the Sec.

of the Corporation named as contractor herein;

That Alan Jager, who signed this Agreement on behalf of the
Contractor, was then Pres. of said Corporation:

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

Signed:

[Signature]
Tammy Jager, Sec.
Printed Name and Title

(CORPORATE SEAL)

DATE: January 5, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030165-Address: 204 W. Dale.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **204 W. Dale** 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: #EN030165, 204 W. Dale

Location and ownership: This structure is located on W. Dale between Fifth and Sixth Street. It is owned by Raul and Sharon Melgoza.

Staff Correspondence: This property was written as a dangerous building 10/14/03 when the housing inspector referred it to the Director of Inspections because of the conditions. The owner did not have a Certificate of Compliance and was trying to evict the tenants at the time. The Notice and Order to repair or remove was issued 10/21/03 and the Housing Board of Appeals declared the structure on December 4, 2003. No one was present at that meeting to represent this case.

Owner Contact: Mrs. Melgoza contacted the Inspection office in early November and stated her husband is incarcerated and she is trying to evict the tenants. She was referred to Legal Aid because she has no Certificate of Compliance and was having a problem getting the tenants out.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$14,700

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

Estimated Cost of Repairs: \$15,000 plus cost of repairs for upper unit.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, January 13, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

204 W. DALE

10/14/03

Inspection noted:

1. Did not get upstairs because of dog.
2. Exterior light fixtures not installed correctly w/outlet box.
3. Open splice box in basement.
4. Sub panel not wired correctly.
5. New splice in basement not done correctly.
6. Appears to be new electrical work done without permit.
7. Service to be replaced to meet 2000 MRC.
8. All work requires construction permits. These permits must be obtained prior to work beginning.
9. Water piping installed improperly.
10. Waste & vent piping installed improperly, fittings backwards and leaking.
11. Plumbing is in unsanitary condition.
12. Extension Cords being used.
13. Infestation of roaches.
14. Rotted threshold at back door.
15. Open fascia.
16. Bedroom in basement is not allowed.
17. Rotted window sills and frames.
18. Window glazing not installed properly.
19. Urine and feces throughout home from dogs and cats.

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

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



204 W. DALE

AGREEMENT

THIS AGREEMENT, made this July 13, 2004 by and between:
Press's LLC

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

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

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of 204 W. Dale as well as required
supplemental work for the completion of this project, all in strict accordance with
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed \$2875

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

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

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

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

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

ATTEST:

CONTRACTOR:

BY: Alan Sager - Pres
Printed name and title

ATTEST:

Linda Potter

CITY OF MUSKEGON

BY:

[Signature]
Mayor

Gail A. Kundergei
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Sager, certify that I am the owner
of the Corporation named as contractor herein;

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

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

Signed:

Tammy Sager (Pres)

(CORPORATE SEAL)

Tammy Sager - owner
Printed Name and Title