

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 25, 2016

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
 - A. **Resolution Recognizing Adopt-A-Lot Sponsors in Nelson Neighborhood**
- **INTRODUCTIONS/PRESENTATION:**
- **CITY MANAGER'S REPORT:**
- **CONSENT AGENDA:**
 - A. **Approval of Minutes** City Clerk
 - B. **Permanent Traffic Control Order – Remove Traffic Signal and Install permanent “Stop” signs at Western Avenue and 4th Street, per Traffic Control order #28-(2016).** Department of Public Works
 - C. **Permanent Traffic Control Order – Remove Traffic Signal at Clay Avenue and 3rd Street and Install permanent “Stop” signs at Clay Avenue, per Control order #29-(2016).** Department of Public Works
 - D. **Permanent Traffic Control Order – Remove Traffic Signal and Install permanent “Stop” signs at Muskegon Avenue and 1st Street, per Traffic Control order #30-(2016).** Department of Public Works
 - E. **Removal of Street Lights on Ottawa Avenue** Department of Public Works
 - F. **Police Cruisers** Department of Public Works/Equipment
 - G. **Amendment to the Zoning Ordinance** Planning & Economic Development
 - H. **Authorize Muskegon County to Adopt and Enforce a Storm Water Runoff and Post-Construction Ordinance** Planning & Economic

Development

- I. **Request to Add Parcels to the City's Existing Groundwater Ordinance**
Planning & Economic Development
- J. **Quit Claim Five (5) Residential Properties to the Muskegon County Land Bank Authority for Demolition Through the Hardest Hit 2 Funds Blight Grant** Planning & Economic Development
- K. **West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY 2016 (October 1, 2016 – September 30, 2017)** City Manager

□ **PUBLIC HEARINGS:**

- A. **BID Special Assessment – Resolution Confirming Special Assessment Roll** Planning & Economic Development
- B. **Confirmation of Special Assessment Roll – Street Lighting** Treasurer

□ **COMMUNICATIONS:**

□ **UNFINISHED BUSINESS:**

□ **NEW BUSINESS:**

- A. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish** Public Safety
2152 S. Getty
- B. **City and Consumer's Energy Contract for Street Lights Upgrade to LED**
Department of Public Works

□ **ANY OTHER BUSINESS:**

□ **PUBLIC PARTICIPATION:**

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

□ **CLOSED SESSION:**

□ **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 ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: October 20, 2016

Here is a quick outline of the items on next week's agenda:

1. We will have a special recognition for all of the people/groups that adopted lots in the Nelson Neighborhood.
2. Under the consent agenda, we are asking the Commission for approval of the following:
 - a. Last meeting's minutes.
 - b. A traffic control order removing the traffic light at Western Avenue and 4th Street. The signal would be replaced with 4-way stop signs.
 - c. A traffic control order removing the traffic signal at Clay Avenue and Third Street. Clay Avenue would STOP while Third Street would flow freely without a stop sign.
 - d. A traffic control order to remove the traffic signal at Muskegon Avenue and First Street. The signal would be replaced with three-way stop signs (this signal has already been removed).
 - e. Remove of a number of street lights on Ottawa Street. The total number of lights removed will be 27.
 - f. The purchase of three police cruisers. These Chevy Impalas will be fully marked with light-bars on the top of the vehicles.
 - g. An amendment to the zoning ordinance, as recommended by the Planning Commission. The amendment would require dance halls to receive a special use permit in the B-1 district.
 - h. Authorization for Muskegon County to adopt and enforce a storm water runoff and post-construction ordinance in the City of Muskegon. We are one of the last cities in the metro area to consider this ordinance. It will be a change for our residents/developers compared to what is currently practiced. For most improvements, applicants will be required to receive a storm water permit and pay a \$600 fee to the county drain commissioner.
 - i. A request to add parcels to the City's groundwater ordinance. This item already came before the commission; however, there were a number of mistakes in the address

list provided by the consultant. Accordingly, we are asking the commission to add this updated list of properties to the ordinance.

- j. Approval to quit claim transfer five properties to the County Land Bank to allow for demolition with grant funds. These properties are owned by the city and would have been our cost to demolish. This move will save us \$70,000 in demolition costs and shift the burden for long-term maintenance (mowing) to the Land Bank.
 - k. Approval to make annual payments toward the West Plan (WMSRDC) at a level not to exceed \$20,000. We make this payment every year (it's budgeted), but we have annually also passed a resolution authorizing payment. Going forward, we will not have an annual resolution unless the costs exceed \$20,000. The annual costs are currently a between \$16,000 and \$17,000.
3. Under public hearings, we will have two items:
- a. The second and final hearing associated with the renewal of the Downtown Business Improvement District.
 - b. The second and final hearing associated with the proposed LED Streetlight Assessment.
4. Under new business, we will be asking the Commission to approve the following:
- a. Concurrence with the Housing Board of Appeals to demolish the structure at 2152 South Getty. This is the former Pletcher Furniture Building. It's in bad shape and is owned by the County Land Bank – being sold on land contract.
 - b. Authorization to enter into a contract with Consumers Energy to upgrade to LED streetlights.

Date: October 19, 2016
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the October 10, 2016 Worksession Meeting and the October 11, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON
CITY COMMISSION WORKSESSION

Monday, October 10, 2016
Muskegon City Commission Chambers
933 Terrace Street, Muskegon, MI 49440
5:30 PM

Minutes

2016-76

Present: Commissioners Johnson, Gawron, Hood, Warren, Rinsema-Sybenga (left at 7:15), and Turnquist
Absent: Commissioner German

HUB (formerly MAREC) Presentation

Kevin Ricco presented information about the HUB which is going through some branding and directional changes. The HUB offers businesses incubation opportunity and their tenant space is currently full. The two components are either brick & mortar or an affiliate program. The affiliate program offers coaching, marketing, funding assistance, meeting space, and provides a legitimate business address. The brick and mortar component offers up to 4,200 square feet of coworking space, assigned desk space (at an additional cost), internet, printer, scanner, copier, and meeting rooms along with free coffee and snacks. Fees begin from as little as \$20.

SBDC – Business accelerator fund up to \$50,000 start-up.

There will be an open house at the HUB on October 27, 2016 from 4:00 PM – 6:00 PM

Critical Dune Update (PM Park)

Jamie Pesch, intern for the Planning & Economic Development Department, presented information to the Commission regarding potential action at Pere Marquette Park and is proposing to create a Critical Dune Ordinance.

Miscellaneous Projects Update

1. Heritage District Lighting Update
2. Western Avenue Parking Lot for Sale
3. Reorganization at City Hall
 - a. CNS & Planning w/ DPW
 - b. Public Safety – all code related
 - c. Finance/Administrative
 - i. Clerk & Affirmative Action
 - ii. Clerk – Farmer's Market
 - d. Planning Coordinator (Part time) to work with City Manager
 - e. Add a help desk – Automated kiosk

- f. Use Management Teams
4. LC Walker Arena – information on utilization information
5. City Hall Improvements
 - a. New Elevator
 - b. HVAC
6. Price adjustment on Midtown Square
7. Two new NEZ's coming
8. Re-evaluate HOME & CDBG – invest to create more mixed income housing
9. DPW Move to more central part of the City, Eight or Nine Million dollar expense
10. Marina – make improvements for public, replace dock
11. Clay & Jefferson Parking Lot
12. Street Improvements

2016-77 New Business

At the regular City Commission meeting held September 27, 2016 the City Commission did adopt resolution 2016-75(B), creating a Special Assessment District for Downtown Muskegon Business Improvement District (BID). The City Commission needs to appoint two City Commissioners to a Board of Assessors along with the City Assessor, who is directed to prepare an assessment roll.

MOTION by Commissioner Turnquist, second by Vice Mayor Hood, to appoint Commissioners Dan Rinsema-Sybenga and Ken Johnson to the Board of Assessors for the Business Improvement District Special Assessment District.

ROLL VOTE: Ayes: Gawron, Hood, Warren, Turnquist, and Johnson

MOTION PASSES

Adjournment

Moved by Hood, seconded by Johnson, to adjourn the meeting at 8:47 p.m.

MOTION PASSES

Ann Marie Meisch, MMC – City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 11, 2016

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, MI at 5:30 p.m., Tuesday, October 11, 2016. Pastor George Monroe, Evanston Avenue Baptist Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Commissioners Debra Warren, Willie German, Jr., Dan Rinsema-Sybenga, Byron Turnquist, and Ken Johnson, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Vice Mayor Hood

2016-78 INTRODUCTIONS/PRESENTATION:

A. Diamond Sponsor Recognition

The City hosted a Farmer's Market Fundraising dinner on Saturday, September 10, 2016 – the Diamond level sponsors of this event were recognized and thanked by the Mayor and City Commission. Tom Lundholm of Scrib's Pizza, Julie Balgooyen of the Julie Balgooyen Agency, and Jim Gawron of Mid State Title were all Diamond level sponsors.

Carrie Uthe presented information about a Medication Disposal event coming up and the Medication Disposal Program in place.

2016-79 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the September 27, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Demolition Agreement Between City and Kirksey Investment Corporation – 1133 W. Western Avenue Planning & Economic Development

SUMMARY OF REQUEST: On August 23, 2016, the City Commission concurred with the findings of the Housing Board of Appeals that the structure located at 1133 W. Western Avenue is unsafe, substandard, a public nuisance and that it be demolished. The Commission allowed for time for City staff to work with the property owner on an agreement for them to conduct the demolition process themselves in a timely manner. An agreement has been reached requiring both the demolition and the site restoration. The demolition is to be completed by December 15, 2016, with restoration being completed by May 31, 2017. Basement walls are to be removed to a minimum of 36 inches below grade and the former basement is to be filled with clean sand, topped with black dirt, and hydroseeded.

FINANCIAL IMPACT: Upon execution of the Agreement, Mr. Kirksey is to deposit the sum of \$75,000 with the City. If the demolition and restoration are completed as specified, the funds will be returned to Mr. Kirksey. Otherwise, they will be used by the City to complete the project.

BUDGET ACTION REQUIRED: None.

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

D. LC Walker Arena Vision and Branding City Manager

SUMMARY OF REQUEST: The City's recent decision to pursue a restaurant and distillery to occupy a portion of the LC Walker Arena has led to inquiries from numerous other businesses looking to create similar and compatible businesses at the LC. Before moving forward to consider any of these requests, city staff is asking to have a professional arena designer/developer help create a vision for the arena. This visioning exercise will help us better understand current trends in area usage and develop the best product for the community. Accordingly, staff is seeking permission to enter into an agreement with Rossetti Architecture to create a conceptual plan for the re-visioning of the LC Walker Arena.

FINANCIAL IMPACT: Not to exceed \$10,000

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement with Rossetti and authorize the City Manager to sign.

E. Lakeshore Museum Loan Agreement (LaFrance Fire Truck) Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the Lakeshore Museum Center Loan

Agreement relating to the 1923 American LaFrance Fire Truck with attached equipment. Currently, the LaFrance is on display at the Fire House Museum (Clay Avenue).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of this loan agreement.

Motion by Commissioner Johnson, second by Commissioner Warren, to approve the Consent Agenda as presented with the exception of Items C and F.

ROLL VOTE: Ayes: Warren, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

2016-80 ITEMS REMOVED FROM CONSENT AGENDA:

C. 3rd Amendment to Employment Agreement City Manager

SUMMARY OF REQUEST: To amend the City Manager's Employment Agreement with an effective date of October 1, 2016.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment to the City Manager's Employment Agreement.

Motion by Mayor Gawron, second by Commissioner Warren, to approve the amendment to the City Manager's Employment Agreement.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Warren

Nays: None

MOTION PASSES

F. Heritage District Lighting Agreement Engineering

SUMMARY OF REQUEST: Over the past two years, staff has worked with representatives from the Heritage District Association as well as property owners in the Heritage District to accomplish the re-lighting of their decorative street lights. We have negotiated an agreement that will allow for the lights to be activated and eventually upgraded to LED fixtures.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve lighting agreement and corresponding easement agreements as presented, and authorize the reactivation of the Heritage District lights.

Motion by Commissioner German, second by Commissioner Johnson, to approve the lighting agreement and corresponding easement agreements as presented and authorize the reactivation of the Heritage District lights.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Warren, and German

Nays: None

MOTION PASSES

2016-81 PUBLIC HEARINGS:

A. Create City Wide Special Assessment for Street Lights Treasurer

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the entire city and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To create the special assessment for all eligible parcels for the entire city and assign two City Commissioners to the Board of Assessors by adopting the resolution.

PUBLIC HEARING COMMENCED:

Public Participation: the following members of the public spoke regarding the creating of the district for a special assessment for street lights.

In Opposition:

Joel Seyferth, 2335 Bluffton

Roger Nielsen, 420 Carmen
(owns several properties)

Lyle Cater, 2035 Letart

Susan Lyme, 3340 Millard

Earlene Noffsinger, 1168 W. Laketon

Joanne Bromley, 17290 Woodland Ln

Shawn Tate, 287 McLaughlin

William Anderson, 845 Catherine

Ratan Khatri, 1478 E. Ellis Road
(owns several properties)

Peter Waltz, 39 Porter Road

Joshua Eldenbrady, 1336 Spring

Jesus Pena, 1851 Walnut

Shirley Booker, 333 Oak Ave

Michael Haueisen, 903 Turner

August Panici, 2137 Hudson

Ken Grant, City Treasurer, report that there was a 10.99% (1,578) opposition to

date.

In Favor:

Bob Kuhn, 3080 W. Sherman

Jen Sanocki, 1417 Lakeshore Dr.

The following did not specify in favor or opposition:

Robin Small, 2236 Dowd

Harvey Hammond, 1191 Sanford

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to close the public hearing and create the special assessment district for all eligible parcels for the entire city and to assign two City Commissioners to the Board of Assessors by adopting the resolution.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Warren, and Rinsema-Sybenga

Nays: German

MOTION PASSES

Commissioners Turnquist and Warren are appointed to the Board of Assessors.

2016-82 NEW BUSINESS:

A. Western Avenue Parking Lot- Agreement of Purchase & Sale between the City of Muskegon and Core Financial Corporation City Manager

SUMMARY OF REQUEST: Harold Back of Core Financial Corporation, has offered \$300,000 to purchase the City's Western Avenue Parking Lot between Fourth & Fifth Streets. Core Financial will continue to use the property for public parking, including commitments agreed to for Lumberjack parking, for a year. After that time, the purchaser expects to develop the property. The property includes one lot that is technically owned by the DDA. This lot will need approval to sell by the DDA as well.

FINANCIAL IMPACT: The City will receive \$300,000 as the purchase price for the property. The proceeds are expected to go into the "Economic Development Project Fund" (formerly "Sappi Economic Development Fund").

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Agreement of Purchase & Sale between the City of Muskegon and Core Financial Corporation and authorize the Mayor and Clerk to sign all necessary documents, including closing documents, at the time of the sale, on the condition the DDA approves the sale of their lot as part of this transaction.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the Agreement of Purchase and Sale between the City of Muskegon and Core Financial Corporation and authorize the Mayor and Clerk to sign all necessary documents, including closing documents, at the time of the sale, on

the condition the DDA approves the sale of their lot as part of this transaction.

**ROLL VOTE: Ayes: Johnson, Gawron, Warren, German, Rinsema-Sybenga, and
Turnquist**

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: No comments were received by the public.

ADJOURNMENT: The City Commission adjourned at 7:43 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

Date: October 25, 2016

To: Honorable Mayor and City Commissioners

From: DPW

RE: Permanent Traffic Control Order-Remove Traffic Signal and install permanent "Stop" signs at Western Avenue and 4th Street, per Traffic Control Order #28-(2016).

SUMMARY OF REQUEST:

Authorize removal of Traffic Signal and installation of permanent "Stop" signs at Western Avenue and 4th Streets, per Traffic Control Order # 28-(2016)

FINANCIAL IMPACT:

Cost of removing Traffic Signal, installing signs/posts, if approved.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize DPW to have contractor remove Traffic Signal and staff install "Stop" signs at Western Avenue and 4th Street, per Traffic Control Order #28-(2016).

COMMITTEE RECOMMENDATION:

Date: October 25, 2016

To: Honorable Mayor and City Commissioners

From: DPW

RE: Permanent Traffic Control Order-Remove Traffic Signal at Clay Avenue and 3rd Street and install permanent "Stop" signs at Clay Avenue, per Traffic Control Order #29-(2016).

SUMMARY OF REQUEST:

Authorize removal of Traffic Signal at Clay Avenue and 3rd Street and install permanent "Stop" signs at Clay Avenue, per Traffic Control Order # 29-(2016)

FINANCIAL IMPACT:

Cost of removing Traffic Signal, installing signs/posts, if approved.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize DPW to have contractor remove Traffic Signal at Clay Avenue and 3rd Street and staff install "Stop" signs at Clay Avenue, per Traffic Control Order #29-(2016).

COMMITTEE RECOMMENDATION:

City of Muskegon
Traffic Control Order
No. 29-(2016)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Removal of Traffic Signal at Clay Avenue and 3rd Street and installation of "Stop" Signs on Clay Avenue.*

Location: *Clay Avenue and 3rd Street*

Recommendation:



Director of Public Works Date: 10 / 19 / 16



Police Chief Date: 10 / 12 / 16



City Manager Date: 10 / 13 / 16

Commission Approval (required for Permanent TCO only):

Commission Action # Date: / /

Installation/removal

Date assigned: / / By: _____
Traffic Supervisor

Date completed: / / By: _____
Traffic Department Employee

Temporary; does not require Commission Action, good for 90-days from Installation/Removal Date.

Permanent; requires Commission Action

Date: October 25, 2016

To: Honorable Mayor and City Commissioners

From: DPW

RE: Permanent Traffic Control Order-Remove Traffic Signal and install permanent "Stop" signs at Muskegon Avenue and 1st Street/Apple Avenue, per Traffic Control Order #30-(2016).

SUMMARY OF REQUEST:

Authorize removal of Traffic Signal and installation of permanent "Stop" signs at Muskegon Avenue and 1st Street/Apple Avenue, per Traffic Control Order # 30-(2016)

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Install Permanent Stop Signs on Muskegon Ave. @ First Street per Traffic Control Order #30-(2016).

COMMITTEE RECOMMENDATION:

Date: October 25, 2016

To: Honorable Mayor and City Commissioners

From: Department of Public Works

RE: Removal of Street Lights on Ottawa Avenue

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement with Consumer energy to remove 27-street lights on Ottawa Street from Hall Street to Richards Park for an estimated cost of \$9,500.

The estimated annual savings to the City is over \$3,900 for an estimated payback of less than 2.5-years.

FINANCIAL IMPACT:

\$9,500 from the Street Light cost center

BUDGET ACTION REQUIRED:

Adjustment to the Street Light cost center when preparing the 1st quarter reforecast.

STAFF RECOMMENDATION:

To authorize staff to enter into an agreement with Consumer Energy to remove 27 mid-block street lights on Ottawa Street between Hall & Richard's Park.

COMMITTEE RECOMMENDATION:

Date: 10/25/16

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Police Cruisers

SUMMARY OF REQUEST:

Authorize staff to purchase 3 Chevy Caprice Cruisers from Berger Chevrolet the Mi-Deal State contract holder for a price of \$27,109.00 each. These will replace the three oldest cruisers currently in use.

FINANCIAL IMPACT:

\$81,327.00 or \$27,109.00 each

BUDGET ACTION REQUIRED:

None. Amount is what was budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase 3 Chevy Caprice Cruisers from Berger Chevrolet

Commission Meeting Date: October 25, 2016

Date: October 20, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend the zoning ordinance to require “private clubs, lodge halls, social & similar organizations” to obtain a special land use permit instead of allowing them as a use by right in B-2, Convenience & Comparison Business districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the request at their October meeting.

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

BACKGROUND

1. Private clubs, lodge halls and similar uses are currently allowed as a use by right in B-2, Convenience & Comparison Business districts. However, they are only allowed under a special use permit in B-4, General Business districts, which usually allows for more intense uses than B-2 districts.
2. Also, the ordinance states that all principal uses permitted in B-2 districts are allowed as a use by right in B-4 districts. This is contradictory since you must get a special use permit to operate a private club/lodge hall in B-4 districts.
3. Staff is proposing to amend the ordinance to allow private clubs/lodge halls as a special use permitted in B-2 districts. These types of uses can sometimes cause problems with parking, noise and civil disturbances; so it would be in the cities best interest to allow them as a special land use so that Planning Commission can either set limitations on the use or revoke the permit if problems occur on a regular basis.
4. Please see the enclosed excerpts for B-2 and B-4 districts.

NEW LANGUAGE

Deletions are crossed out and additions are in bold:

SECTION 1101: SPECIAL LAND USES PERMITTED

10. Self-serve, coin operated, automobile car wash, enclosed in a building.
11. Indoor Theaters [amended 5/04]
 - a. Parking must be either on site or with an irrevocable shared parking agreement.
12. Veterinary clinics, without outdoor kennels. [amended 6/05]
13. Wind Turbine Facilities. [amended 10/09]
14. Microbreweries, small wineries and small distilleries with brewing areas larger than 2,500 square feet.
15. **Private clubs, lodge halls & similar uses.**
16. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
17. Uses similar to the above Special Land Uses Permitted.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article XI (B-2, Convenience & Comparison Business District) of the Zoning Ordinance to require “private clubs, lodge halls, social and similar organizations” to obtain a special land use permit in B-2 Districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

SECTION 1101: SPECIAL LAND USES PERMITTED

10. Self-serve, coin operated, automobile car wash, enclosed in a building.
11. Indoor Theaters [amended 5/04]
 - a. Parking must be either on site or with an irrevocable shared parking agreement.
12. Veterinary clinics, without outdoor kennels. [amended 6/05]
13. Wind Turbine Facilities. [amended 10/09]
14. Microbreweries, small wineries and small distilleries with brewing areas larger than 2,500 square feet. [amended 3/12]
- 15. Private clubs, lodge halls & similar uses.**
16. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
17. Uses similar to the above Special Land Uses Permitted.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of October, 2016, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2016.

Ann Meisch, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 25, 2016, the City Commission of the City of Muskegon adopted an ordinance to amend Article XI of the Zoning Ordinance to require “private clubs, lodge halls, social and similar organizations” to obtain a special land use permit in B-2 Districts. Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

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

Published _____, 2016.

CITY OF MUSKEGON

By _____
Ann Meisch, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: October 25, 2016

Date: October 20, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Authorize Muskegon County to Adopt and Enforce a Storm Water Runoff and Post-Construction Ordinance

SUMMARY OF REQUEST:

Staff is requesting the approval of the resolution that will allow Muskegon County to administer and enforce a Storm Water Runoff and Post-Construction Ordinance on behalf of the City of Muskegon. This ordinance will require a landowner to obtain a Storm Water Permit from the County Drain Commissioners office before commencement of a project that includes any of the following: 1) requires Planning Commission approval 2) creates more than 10,000 sf of impervious surface 3) Disturbs, changes, disrupts more than 10,000 sf of existing impervious surface 4) Disturbs more than one acre of land 5) Is within 500 ft of the water's edge of a drainage course, wetland, lake or stream.

The application for a Storm Water Permit is \$600 and will be approved or denied within 30 days, however, most reviews can be completed within one to two weeks.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the ordinance

COMMITTEE RECOMMENDATION:

None

Storm Water Runoff & Post-Construction Control Ordinance

Preamble

An Ordinance to provide for the administration of a storm water runoff and post construction control program within Muskegon County in order to encourage and regulate the proper use and protection of natural resources, to provide for administration and enforcement, to establish civil penalties for violations, and to provide for reimbursement of costs incurred by the County Enforcing Agency pursuant to this Ordinance.

Whereas, land development alters the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, increased flooding, stream channel erosion, sediment transport and deposition, which damages the integrity of stream channels and their biological functions and;

Whereas, storm water runoff produced by land development contributes to increased quantities of water-borne nonpoint pollutants which can impair and destroy natural resources and;

Whereas, increased storm water runoff rates and volumes, and pollutants associated with storm water runoff from future development projects within the County will, absent reasonable regulation and control, adversely affect the County's water bodies and water resources, and those of downstream communities, and;

Whereas, Federal and State regulations require certain municipalities within and including the County, to implement a program of storm water controls. These municipalities are required to obtain a permit for storm water discharges from their Municipal Separate Storm Sewer Systems (MS4) under the National Pollutant Discharge Elimination System (NPDES);

Now, therefore be it resolved that; storm water runoff and non-point source pollution can be controlled and minimized by the regulation of storm water runoff from development and adopting the following standards, criteria and procedures contained in the Storm water Runoff and Post-Construction Control Ordinance (Storm Water Ordinance) and implementing it will address many of the harmful effects of storm water runoff, therefore, adopting the Ordinance is necessary for the preservation of the public health, safety and welfare of the County.

Whereas, after careful study of the proposed Storm Water Ordinance, the Muskegon County Board of Public Works has recommended adoption of the Ordinance to the Muskegon County Board of Commissioners.

Therefore, pursuant to the authority set forth in MCL 46.11(j) and MCL 324.9105(3), the Board of Commissioners of the County of Muskegon, Michigan, ordains:

Article 1. Short Title

This Ordinance shall be known, and may be cited, as the “Muskegon County Storm Water Runoff and Post Construction Control Ordinance.” All Articles, Sections, and other topical headings are for reference only and shall not be construed to be part of this Ordinance.

Article 2. Authority, Purpose, and Adoption of Rules

2.1. Authority

2.1.1. Applicable Statutes

The Storm water Ordinance is adopted in accordance with the Drain Code of 1956, as amended, being Act 40 of 1956, MCL 280.1, et seq.; the Land Division Act 288 of 1967, as amended, being MCL 560.101, et seq.; the Condominium Act 59 of 1978, as amended, being MCL 559.101, et. seq. the Revenue Bond Act of 1933, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

2.1.2. Jurisdictional Overlap

This Ordinance shall not apply to properties within a city, village, or township in the County provided that the local municipality adopts an ordinance that is consistent with this Ordinance. The legislative body of a city, village, or township may adopt a resolution authorizing the County to implement the Ordinance within their jurisdiction to facilitate administrative reporting for requirements associated with state permit requirements.

2.2. Purpose

The purpose of this Ordinance is to set forth the minimum requirements for storm water management and control to protect public health, safety, and welfare within Muskegon County by providing for the administration and enforcement of the Muskegon County Storm Water Runoff and Post Construction Ordinance. No person, corporation, or governmental entity shall maintain or undertake an activity or earth change that alters infiltration and is governed by this Ordinance, except in compliance with this Ordinance, and pursuant to a Storm Water Permit issued by the County Enforcing Agency, if required.

Article 3. Definitions

3.1. Definitions.

The County hereby adopts by reference the definitions herein. In addition, the following definitions shall apply in the interpretation and enforcement of this ordinance:

3.1.1. Cease and Desist Order - An order that stops the work on a project due to a violation of this Ordinance or until said violation is corrected.

3.1.2. County Enforcing Agency (CEA) - An agency designated by the Muskegon County Board of Commissioners pursuant to be responsible for the administration and enforcement of this Ordinance.

3.1.3. Design storm - A rainfall event that has a specific statistical probability of occurring in any given year. For example, a 2-year design storm is a storm with a 50 percent chance of occurring during the year. Design storm figures are used to calculate the runoff volume and peak discharge rate through a detention or retention basin or other storm water management facility.

3.1.4. Detention - A system which is designed to capture storm water and release it over a given time period through an outlet structure at a controlled rate.

3.1.5. Discharge - The rate of flow of water through an outlet structure at a given point and time, measured in cubic feet per second (cfs).

3.1.6. Drain – Any drain maintained by the County Road Commission and any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et. seq., other than an established county or inter-county drain.

3.1.7. Earth Change - A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.

3.1.8. Enforcing Agent - A person designated by the County Enforcing Agency to carry out the provisions of this Ordinance.

3.1.9. Excess runoff - Surface runoff that cannot be accommodated satisfactorily by the natural or planned drainage systems.

3.1.10. Illicit Connection – Any method or means for conveying an illicit discharge into water bodies or the Community's storm water system whether enclosed or an open water ditch.

3.1.11. Impervious surface - Impermeable surfaces, such as buildings, paved driveways, parking areas, or roads which prevent the infiltration of water into the soil.

3.1.12. Infiltration - the process by which water on the ground surface enters the soil. Infiltration rate in soil science is a measure of the rate at which soil is able to absorb rainfall or irrigation. It is measured in inches per hour or millimeters per hour. The rate decreases as the soil becomes saturated. If the precipitation rate exceeds the infiltration rate, runoff will usually occur unless there is some physical barrier. It is related to the saturated hydraulic conductivity of the near-surface soil.

3.1.12. Lake - Means the Great Lakes and all natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is equal to, or greater than, 1 acre. "Lake" does not include sediment basins and basins constructed for the sole purpose of storm water retention, cooling water, or treating polluted water.

3.1.13. Muskegon County Department of Public Works - The County Agency responsible for administration and enforcement of this ordinance in the name of the County of Muskegon, and including agents acting on behalf of or appointed by the Muskegon County Drain Commissioner for the administration and enforcement of this Ordinance.

3.1.14. Mitigation - Actions taken or required by the County Enforcing Agency to temporarily or permanently bring a parcel of land into compliance with this Ordinance.

3.1.15. National Pollutant Discharge Elimination System (NPDES) Storm Water Permit – a permit issued by the Michigan Department of Environmental Quality under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

3.1.16. Notice of Completion - Upon satisfactory execution of the approved plans, permit conditions and other requirements imposed under this Ordinance, the landowner shall provide notice of completion to the County Enforcing Agency.

3.1.17. Notice of Intent to File Lien - Written notice to the owner of a property of intent to file a property lien to secure repayment of mitigation expense, including legal expense associated with a particular mitigation effort. Outstanding liens on property will be collected according to Article 7, “ for Expense”.

3.1.18. Notice of Intent to Mitigate - Notice to the owner of a property in violation of this Ordinance of intent to conduct mitigation to bring the site into compliance with this Ordinance.

3.1.19. Notice of Taking Action - Legal notice to the owner of a property in violation of this Ordinance of action already taken to remove an immediate threat to natural resources, property or public safety.

3.1.20. Notice of Violation - Written notice to the owner of a property that activity at that site is in violation of this Ordinance. The Notice of Violation shall contain a description of the violation, what must be done to remedy the violation, and the time frame in which such corrective action must be taken.

3.1.21. Outfall - The point where water flows out from a conduit, drain, or stream.

3.1.22. Outlet - A stream or facility discharging the flow from a basin, drain, or other storm water management facility.

3.1.23. Peak Rate of Discharge (peak flow) - The maximum calculated rate of storm water flow at a given point in a channel, watercourse, or conduit resulting from a predetermined frequency storm or flood, measured in cubic feet per second (cfs).

3.1.24. Pollutant - A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, paints, varnishes and solvents, cooking grease, detergents, degreasers, cleaning chemicals, herbicides, pesticides, floatables, fecal coliform and pathogens, concrete and cement, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

3.1.25. Regional Detention Basin - A basin to detain water flow from a number of development sites or a small watershed.

3.1.26. Retention - A system which is designed to capture storm water and contain it until it infiltrates into the soil or evaporates.

3.1.27. State of Michigan Water Quality Standards - All applicable State rules, regulations, and laws pertaining to water quality, including the provision of Section 3106 of Part 31 of Public Act 451 of 1994, as amended.

3.1.28. Storm frequency - The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.

3.1.29. Storm water management

- a. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by human-made changes to the land; and

- b. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

3.1.30. Storm water Runoff - The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

3.1.31. Stream - A river, creek, or other surface watercourse which may or may not be serving as a drain, as defined in the drain code, and which has definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.

3.1.32. Wetland - Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

- i. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
- ii. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size.
- iii. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

Article 4. Administration and Enforcement

4.1. County Enforcing Agency - The Muskegon County Drain Commissioner is the County Enforcing Agency responsible for administering and enforcing this ordinance within Muskegon County, except for those areas of the county where a local (MS4) municipal program is in effect. The County may contract with another local unit of government, municipal department, or other experienced and qualified individuals, parties or entities that would assist the County in performing site reviews, surveys, inspections, or monitoring.

4.2. Relief from Personal Responsibility - The County Enforcing Agency, or any other county employee or officer charged with duties and responsibilities pursuant to this Ordinance, while acting within the scope of their authority, are hereby relieved from all personal liability for damages to persons or property resulting from the exercise or discharge of their duties. Any civil or criminal action brought against an officer or employee of the County, while acting within the scope of authority granted under this Ordinance, may be defended by the legal representative of the County until final termination of proceedings. If a judgment for damages is awarded against the above mentioned officers or employees as a result of a civil action for personal injury or property damage caused while acting within the

scope of the individual's employment or while acting within the scope of authority of this Ordinance, the County of Muskegon may pay, or compromise, the judgment.

4.3. Duties of the County Enforcing Agency - It shall be the responsibility of the County Enforcing Agency to enforce the provisions of this Ordinance, and in doing so, to perform the following duties:

4.3.1. Review Storm Water Permit Applications and Plans

Applications for permits required by this Ordinance shall be submitted to the County Enforcing Agency on the forms provided by the County Enforcing Agency and shall contain all required and/or necessary information to allow the County Enforcing Agency to evaluate the application. The County Enforcing Agency is not required to evaluate incomplete applications or applications submitted without the required or necessary information or supporting documentation. Storm Water Permit applications and plans will be reviewed in accordance with the rules defined under 5.1.

4.3.2. Issue Permits and Certificates

The County Enforcing Agency shall issue Storm Water Permits when applicable provisions of this Ordinance have been fulfilled.

4.3.3. Maintain Records

Records for active Storm Water Permits shall be available for public inspection during regular business hours. Upon written request, copies of documents may be furnished at cost to any person consistent with policy of the Board of Commissioners.

4.3.4. Mitigation

The County Enforcing Agency may, but is not required to, conduct such activity as is deemed necessary to remove an immediate threat to environmental resources, property or public safety in accordance with the Drain Code of 1956, as amended, being Act 40 of 1956, MCL 280.1, et seq.; the Land Division Act 288 of 1967, as amended, being MCL 560.101, et seq.; the Condominium Act 59 of 1978, as amended, being MCL 559.101, et. seq. the Revenue Bond Act of 1933, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

4.3.5. Prepare Invoices and Record Liens

Invoices for mitigation expense shall be mailed by certified mail to the owner(s) of the land on which the violation occurred. Pursuant to MCL 324.9120, property liens against the land in violation shall be recorded at the Muskegon County Register of Deeds for all invoices remaining unpaid thirty (30) days after mailing. The owner of the land shall be responsible for all costs associated with the recording and subsequent release of a lien.

4.3.6. Legal Remedy

The County Enforcing Agency shall have all legal remedies available under this Ordinance which include, but are not limited, to the issuance of a Notice of Violation, a Cease and Desist Order, and/or a municipal civil infraction citation to the property owner, contractor, or individual who is not the property owner and who violates this Ordinance. The County Enforcing Agency may also take other legal action deemed appropriate against an individual or the owner of a property in violation.

4.3.7. Official Copies

The County Enforcing Agency shall maintain one official copy of this Ordinance, which shall be available for public inspection during regular office hours.

4.3.8. Inspections

The County Enforcing Agency is empowered to conduct inspections of property in order to properly carry out the enforcement of this Ordinance.

4.3.9. Document Retention

Permits, plans and associated documents for all projects, permitted under this ordinance, may be disposed of twenty-five years after filing the final construction certification and coinciding with termination of post construction maintenance responsibilities.

4.4. Interpretation

The County Enforcing Agency shall have full authority to make interpretations as to the scope and applicability of this Ordinance, including but not limited to determinations of violations, acceptability of plans and sureties, necessity for mitigation, and substantial completion. All such determinations by the County Enforcing Agency are considered final.

4.5. Fees, Fines and Sureties

4.5.1. Fees and Fines.

The County shall periodically adopt a schedule of fees and fines to cover the cost of administration and enforcement of this Ordinance. Adjustment of the schedule of fees and fines will not invalidate other provisions of this Ordinance. All permit fees shall be doubled if work starts without a permit.

4.5.2. Sureties.

Financial surety in a form acceptable to the County Enforcing Agency may be required as a condition of a Storm Water Permit. Surety is required for all commercial Storm Water Permits with disturbances of 3 acres or more. At the permittee's choosing, the surety shall be in the form of cash, bond, certified check or irrevocable bank letter of credit in forms acceptable to the County Enforcing Agency.

4.5.3. Return of Surety.

Unused portion of sureties shall be returned within sixty (60) days after filing the final construction certification with the County Enforcing Agency.

Article 5. Application, Plan, Approval Standards, and Post Construction Standards

5.1. Application

A person, corporation, or governmental entity shall not maintain or undertake an earth change governed by this Ordinance, except in compliance with this Ordinance. The Storm Water Permit Application form and Storm Water Permit form shall contain all information required by this Ordinance. An Application, together with instructive information as deemed appropriate, shall be provided at no cost to each applicant by the County Enforcing Agency. The County Enforcing Agency shall approve or deny an application for a Storm Water Permit within 30 days after the filing of a complete application for a Storm Water Permit and the payment of the appropriate fees and sureties.

5.2. Storm Water Plan, Approval Standards, Construction Certification, and Post Construction Maintenance

A person shall prepare a storm water control plan for any earth change identified under 5.3.1. A person shall design the plan in accordance with current Best Management Practices (BMPs) or Low Impact Design (LID) methods for storm water management to effectively reduce and control storm water flows, retain / detain waters on-site, and reduce peak discharge rates. The plan shall include, but not be limited to, all of the following:

5.2.1. Storm Water Plan

The plan shall include, but not be limited to, all of the following:

- i. A map(s) at a scale of not more than 200 feet to the inch or as otherwise determined by the County Enforcing Agency; including a legal description and site location sketch that includes the proximity (within 50 feet of the property boundary) of any proposed earth change to lakes, streams, regulated wetlands, drainage courses, or all; predominant land features; and contour intervals or slope description.
- ii. A soils survey or a written description of the soil types of the exposed land area contemplated for the earth change.
- iii. A description and the location of the physical limits of each proposed earth change.
- iv. A description and the location of all existing and proposed on-site drainage, storm water management, and dewatering facilities (e.g., rain gardens, swales, leach basins, recessed landscape islands, roof retention, cisterns, and detention or retention ponds).
- v. The timing and sequence of each proposed earth change.

- vi. A description and location of all storm water discharge points.

5.2.2. Approval Standards

The plan, or associated narrative, shall provide a description of how the storm water control measures to be implemented and outlined within the plan shall meet the published standards of the Municipal Storm Water Committee ~~will~~:

5.2.3. Construction Certification

A certification letter shall be submitted to the County Enforcement Agency after storm water control measures have been installed to affirm that construction has been completed in accordance with the Storm Water Permit and plan. This certification shall be prepared by a licensed civil engineer, land surveyor, architect, and/or landscape architect; unless a specified certification was required by the County Enforcement Agency.

5.2.3. Post Construction Maintenance

The plan, or associated narrative, shall provide a proposal for the continued maintenance of all storm water control measures that remain after project completion; including the designation of the person or entity responsible for the ongoing operation, inspections, and maintenance of storm water facilities and measures. Maintenance responsibilities shall be recorded with the property at the Muskegon County Register of Deeds; and shall:

- i. Be in effect for a period of 25 years from the date of the final construction certification.
- ii. Become a part of any sales or exchange agreement, and run with the property for the land on which the storm water control measures are located.
- iii. Include regular inspections (minimum of every five years) of the storm water control measures by a licensed civil engineer attesting to the capability of the system to manage and treat storm water as the system was original designed; and provide inspection reports to the County Enforcement Authority.
- iv. Specify responsibilities for financing maintenance and emergency repairs.
- v. Provide the County Enforcement Agency legal authority to enter the property, at reasonable times, for purposes of conducting on-site inspections; which may include water sampling and flow measurements.

5.3. Permit

5.3.1. Permits Required:

A landowner or designated agent who contracts for, allows, or engages in, an earth change within the jurisdiction of the County Enforcing Agency shall obtain a Storm Water Permit from the County Enforcing Agency before commencing an earth change which:

- i. Requires local site plan or plat approval; or
- ii. Creates more than ten thousand (10,000) square feet of impervious surface; or
- iii. Disturbs, changes, disrupts more than ten thousand (10,000) square feet of existing impervious surface; or
- iv. Disturbs 1 or more acres of land; or
- v. Is within 500 feet of the water's edge of a drainage course, wetland, lake or stream.

5.3.2. Permit Exemptions:

This ordinance shall not apply to:

- i. Existing roads under the control of the Muskegon County Road Commission or local municipality; including work related to maintenance and replacement.
- ii. Agricultural property (and buildings directly related to their operations) as designated under the definitions according to the Michigan Department of Agriculture and Rural Development and protected under Michigan's Right to Farm Act.

5.3.3. Permit Expiration, Extension, and Termination:

5.3.3.1 Expiration:

Storm Water Permits shall expire on the date indicated on the permit.

5.3.3.2 Extension:

The holder of a valid permit must request an extension of coverage, if necessary, no later than ten (10) days prior to the expiration date. Any such request must be in writing and must be accompanied by all supporting documentation and applicable extension fees, if any. The maximum allowable time extension will be one (1) year from the original expiration date. An extension does not release the owner or the surety on a bond, or the person furnishing an irrevocable letter of credit, or a person furnishing a cash bond from their responsibilities and/or liabilities thereunder.

5.3.3.3 Construction Not Begun:

Storm Water Permit coverage will automatically terminate if construction has not commenced within one (1) year of the date of issuance. A new plan and application,

with fees, are required to obtain a Storm Water Permit for any site where a permit has been terminated for any reason.

5.3.3.4 Application After Termination:

A new plan and application, with fees, are required to obtain a Storm Water Permit for any site where a permit has been terminated for any reason.

5.3.4. Permit Suspension, Revocation and Reinstatement:

A Storm Water Permit issued under this Ordinance may be revoked or suspended at the discretion of the County Enforcing Agency and may not be the basis for any further work on a project until the permit is reinstated by the County Enforcing Agency following a determination that the reasons for the suspension or revocation have been resolved to the satisfaction of the County Enforcing Agency. Once one of the factors outlined below is established by the County Enforcing Agency, the decision whether to suspend or revoke a permit shall be within the discretion of the County Enforcing Agency. A Storm Water Permit may be suspended or revoked for any of the following reasons:

- i. A violation of a condition of the Storm Water Permit, including the approved Storm water plan.
- ii. Misrepresentation or failure to fully disclose relevant facts in the application or plan.
- iii. A change in land ownership without written notification to the County Enforcing Agency.
- iv. Permitted work already in progress is abandoned or suspended for a period beyond the permit expiration date.

5.3.5. Permit Transfers:

Whenever a property changes ownership, the permit and all responsibilities including conditions of issuance, fees, fines, and penalties owed, shall be transferred to the new landowner. Transfer of the permit shall be made by completing a form provided by the County Enforcing Agency, with signature of the new landowner, and then submitting the completed form to the County Enforcing Agency. The fee for the transfer shall be as listed on the schedule of fees.

5.3.6. Permit Waiver:

In lieu of on-site storm water facilities and measures, the use of regional or off-site storm water facilities and measures may be proposed. In such cases, the applicant may request a waiver of the requirements for on-site storm water runoff control. The waiver request shall be submitted to the County Enforcing Agency with a permit application for a Storm Water Permit. Waivers for on-site detention or retention may be considered for the following:

- i. Shared off-site storm water control areas may be proposed between two or more property owners or developments, provided that maintenance agreements have been approved by the County Enforcing Agency and storm water drainage easements have been obtained and recorded among the property owners also naming the authority in the easement.
- ii. Storm water harvesting/reuse or treatment plans may be considered by the County Enforcing Agency; especially in the case of a contaminated site.

Article 6. Enforcement

6.1. Enforcement

This Ordinance shall be enforced by the County Enforcing Agency. The County Enforcing Agency may use any enforcement method or technique allowed, including but not limited to the issuance of a letter providing Notice of Violation, that may or may not allow for time to correct the violation prior to any further or additional enforcement actions, citations, civil infractions, cease and desist orders, or may revoke a Storm Water Permit upon finding that there is a violation of this Ordinance, and may pursue such legal action as may be necessary to correct a violation including but not limited to seeking an injunction to restrain or prevent violations of the Ordinance.

6.2. Municipal Civil Infractions; Authorized Enforcement Officials; Violation Bureau

6.2.1. Municipal Civil Infractions.

Violation of this Ordinance shall be a municipal civil infraction, as authorized under Chapter 87 of 1961 PA 236, as amended, and other applicable laws. A violation includes any act that is prohibited or made or declared to be unlawful, and any omission or failure to act where the act is required by this Ordinance. Each day that a violation exists constitutes a separate infraction.

6.2.2. Authorized Enforcement Officials.

Muskegon County Storm Water Enforcing Agents and deputies of the Muskegon County Sheriff's Office are authorized to issue municipal civil infraction citations for violations of this Ordinance. Muskegon County Storm Water Enforcing Agents are authorized to issue notice of violations and cease and desist orders.

6.2.3. Municipal Civil Infractions Violations Bureau.

The Municipal Civil Infractions Violations Bureau, for disposition of violation notices issued under this Ordinance, shall be located at the Muskegon County Department of Public Works, 131 E. Apple Ave., Muskegon, MI 49442.

6.3. Violations and Penalties; Injunction

6.3.1.

A person who violates this Ordinance or any Notice of Violation or cease and desist order issued under this Ordinance is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not less than \$150.00, and not more than \$2,500.00, plus all costs of enforcement.

6.3.2.

A person who knowingly makes a false statement in an Application or in a Storm water plan is responsible for a civil fine of up to \$2,500.00 for each day of violation, plus all costs of enforcement.

6.3.3.

A person who knowingly continues to violate this Ordinance after receiving a Notice of Violation is responsible for payment of a civil fine for each day the violation continues to exist, plus all costs of enforcement.

6.3.4.

A default in payment of a civil fine or costs ordered under this section may be remedied by any means authorized under the Revised Judicature Act of 1961, 1961 PA 236, being sections 600.101 to 600.9948 of the Michigan Compiled Laws as amended.

6.3.5.

In addition to any fines and costs assessed under this section, a person who violates this Ordinance is liable to the State of Michigan for any damages for injury to, destruction of, or loss of natural resources resulting from the violation.

6.3.6.

Notwithstanding the existence or pursuit of any other remedy, the County may maintain an action in a court of competent jurisdiction for monetary damages and may request an injunction or other process against a person to restrain or prevent violations of this Ordinance.

6.4. Enforcement Costs and Fines

6.4.1. Costs of Enforcement.

The County Enforcing Agency shall maintain a record of all expenses relative to the enforcement of this Ordinance. Costs of Enforcement specifically include but are not limited to all investigative costs, court costs (including witness fees), and legal or attorney fees.

6.4.2. Fines.

Fines levied and paid pursuant to legal action undertaken by the County Enforcing Agency shall be deposited with the County, and shall be used for enforcement of this Ordinance. Landowners, authorized agents, on-site responsible persons, contractors and other individuals undertaking an earth change in violation of this Ordinance are subject to the penalties prescribed herein.

6.4.3. Payment.

All persons that receive municipal civil infraction violation notices shall have thirty (30) days to pay the fine to the Muskegon County Department of Public Works office. If responsibility is denied or the fine is unpaid after thirty (30) days, a municipal civil infraction citation shall be filed with the District Court for resolution pursuant to Chapter 87 of the Revised Judicature Act, MCL 600.8701 *et seq.* Either party may request a formal hearing before a judge.

Article 7. Reimbursement for Expense

7.1. Reports.

It shall be the duty of the County Enforcing Agency to report to the Board of Commissioners, no later than the last Wednesday in September of each year, all unpaid property liens filed in conjunction with this Ordinance.

7.2. Assessment.

It shall be the duty of the County Treasurer to place on the winter tax statement of each property for which there is an amount outstanding the full amount of the outstanding lien.

Article 8. Severability

If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Article 9. Conflict of Authority

Nothing in this Ordinance shall be interpreted to conflict with present or future state or federal statutes in the same subject matter. Conflicting provisions of this Ordinance shall be abrogated to the extent of the conflict. The provisions of this Ordinance shall be construed, if possible, to be consistent with and in addition to relevant federal and state regulations and statutes. In their interpretation and application, the provisions of this Ordinance shall be liberally construed in favor of achieving the objectives of this Ordinance, and shall not be deemed a limitation or repeal of any other powers granted by state statutes. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. If there is another ordinance that is inconsistent, the terms of the Ordinance that promotes the objectives of this Ordinance to the greatest extent shall apply.

This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.

Article 10. Savings Clause

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this

Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent if this Ordinance had not been adopted.

Article 11. Effective Date

This Ordinance shall take effect 30 days following its acceptance by the Muskegon County Board of Commissioners and shall be published in a newspaper of general circulation in Muskegon County.

Moved by Commissioner _____, seconded by Commissioner _____, to (approve/denyt) .

Roll Call:

Yes:

No:

Motion Carried

I, Nancy A. Waters, Muskegon County Clerk, Muskegon, Michigan, do hereby certify that the foregoing Ordinance was adopted by the Board of Commissioners at a regular meeting on (date), 2015. In testimony whereof, I have hereunto set my hand and affixed the seal of the 14th Circuit Court this __ day of _____, 2016.

Nancy A. Waters, Muskegon County Clerk

City of Muskegon
Stormwater Runoff and Post-Construction Control Ordinance

An Ordinance to provide for the administration of a stormwater runoff and post construction control program within Muskegon County in order to encourage and regulate the proper use and protection of natural resources, to provide for administration and enforcement, to establish civil penalties for violations, and to provide for reimbursement of costs incurred by the County Enforcing Agency pursuant to this Ordinance.

Whereas, land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, stream channel erosion, sediment transport and deposition, which damages the integrity of stream channels and their biological functions and;

Whereas, stormwater runoff produced by land development contributes to increased quantities of water-borne nonpoint pollutants, which can impair and destroy natural resources and;

Whereas, increased stormwater runoff rates and volumes, and pollutants associated with stormwater runoff from future development projects within the County will, absent reasonable regulation and control, adversely affect the County's water bodies and water resources, and those of downstream communities, and;

Whereas, Federal and State regulations require certain municipalities within and including the County, to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their Municipal Separate Storm Sewer Systems (MS4) under the National Pollutant Discharge Elimination System (NPDES), and;

Whereas; stormwater runoff and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development and adopting the standards, criteria and procedures contained in the Stormwater Runoff and Post-Construction Control Ordinance (Stormwater Ordinance) and implementing it will address many of the harmful effects of stormwater runoff necessary for the preservation of the public health, safety and welfare of the County.

Therefore, be it resolved that the governing body of the City of Muskegon supports the Muskegon County Board of Commissioners to adopt a Stormwater Ordinance and, further, authorizes the County of Muskegon to implement and enforce the Stormwater Ordinance within the city in order to facilitate administrative reporting for the requirements associated with this municipality's stormwater permit requirements.

This resolution passed.

Ayes: _____

Nays: _____

CITY OF MUSKEGON

BY: _____

Stephen J. Gawron
Mayor

ATTEST: _____

Ann Meisch
Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on October 25, 2016. 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 _____

Ann Meisch, City Clerk

Commission Meeting Date: October 25, 2016

Date: October 20, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request to Add Parcels to the City's Existing Groundwater Ordinance

SUMMARY OF REQUEST:

The Commission previously approved the parcels to be added to the groundwater ordinance regarding the former Mobil Oil Pipeline – Sission Ave @ McCracken St on August 23, 2016 (ordinance 2355). However, the applicant listed the wrong parcels on the application, but they did mail notices to the correct addresses. Staff is requesting to repeal ordinance 2355 and replace it with a new ordinance with the correct parcels listed.

The ordinance prohibits the use of groundwater wells and secondary water supplies under certain circumstances and in certain locations, to prevent exposure to contaminated groundwater, as well as to prevent wells from influencing the movement of contaminated water. Notice was sent to the affected addresses prior to this meeting.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the ordinance amendment to add the addition 52 parcels.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

THE CITY OF MUSKEGON HEREBY ORDAINS:

Ordinance number 2355 is hereby repealed and replaced by the following:

An ordinance amending the City Code of Ordinances by adding to Ordinance No. 2039 (Muskegon City Code of Ordinances Section 34, Article III) certain identifying "Appendix Maps" and descriptions of properties determined to be "affected premises" on which groundwater wells are prohibited unless excepted under Section 34-65 due to the contamination or potential contamination of said groundwater. The said Ordinance No. 2039 is amended by this Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. The properties identified in this amending ordinance are determined to be affected premises within the meaning of and regulated in accordance with, Ordinance No. 2039 or any successor ordinance prohibiting wells on such premises. The said affected premises are included in Attachment A.
2. Attached to this ordinance and incorporated herein are Appendix Maps locating the affected premises.
3. This ordinance shall be effective ten (10) days after publication. In the event any part of this ordinance is finally determined to be invalid or unenforceable by a court having jurisdiction, then said determination shall not affect the validity of the remaining provisions.

Adopted this 25th Day of October 2016.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 25, 2016.

Ann Meisch
Clerk

Attachment A

2326 Greenwood Street
1977 Harding Avenue
1978 Harding Avenue
1984 Harding Avenue
1995 Harding Avenue
1996 Harding Avenue
2003 Harding Avenue
2006 Harding Avenue
1970 Harding Avenue
1987 Harding Avenue
1971 Harding Avenue
2200 McCracken Street
2204 McCracken Street
2218 McCracken Street
2226 McCracken Street
2271 McCracken Street
2272 McCracken Street
2287 McCracken Street
2311 McCracken Street
2320 McCracken Street
2331 McCracken Street
2264 McCracken Street
2001 Miner Avenue
1967 Miner Avenue
1975 Miner Avenue
1996 Miner Avenue
1997 Miner Avenue
2005 Miner Avenue
2011 Miner Avenue
2021 Miner Avenue
2030 Miner Avenue
2031 Miner Avenue
2038 Miner Avenue
2147 Moon Street
2198 Moon Street
2225 Moon Street
2231 Moon Street
2205 Moon Street
2206 Moon Street
2185 Moon Street
1992 Morton Avenue
1995 Morton Avenue
1998 Morton Avenue
2001 Morton Avenue
2006 Morton Avenue
2017 Morton Avenue
2016 Morton Avenue
1983 Morton Avenue
1993 Morton Avenue
2005 Morton Avenue
2026 Morton Avenue
2025 Morton Avenue



ESTES STREET

B STREET

HARRISON AVENUE

MIN STREET

MOON STREET

VACATED RICHARDS ST

BLODGETT STREET

TORRENT STREET

MC CRACKEN STREET

LAKE SHORE DRIVE

DENMARK STREET

HARRISON AVENUE

MOON STREET

MINER AVENUE

MORTON AVENUE

MORTON AVENUE

MINER AVENUE

ESTES STREET

BLODGETT STREET

TORRENT STREET

MORTON AVENUE

MORTON AVENUE

LEON STREET

HARDING AVENUE

MOON STREET

MC CRACKEN STREET

MORTON AVENUE

DENMARK STREET

GLEN AVENUE

TORRENT STREET

VACATED HARDING AVENUE

HARDING AVENUE

SISSON AVENUE

CROZIER AVENUE

GREENWOOD ST

CROZ

Commission Meeting Date: October 25, 2016

Date: October 17, 2016
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Quit Claim Five (5) Residential Properties to the Muskegon County Land Bank Authority for Demolition Through the "Hardest Hit 2" Funds Blight Grant

SUMMARY OF REQUEST:

Request to Quit Claim five (5) City of Muskegon residential properties:

430 Allen Ave	333 Catherine Ave	325 Iona Ave
139 Myrtle Ave	862 Stevens	

to the Muskegon County Land Bank Authority, to be demolished using "Hardest Hit 2" funds from the Michigan State Housing Development Authority (MSHDA). The City obtained these properties through the property tax foreclosure process at the end of 2015 with the intent to demolish them. The City did not pay for any of these properties to obtain ownership.

FINANCIAL IMPACT:

By deeding these to the Muskegon County Land Bank Authority, the City will not incur the demolition fees to demolish each of these structures (estimated at \$70,000 plus).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the request and have the Mayor and City Clerk sign the Quit Claim Deed to the Muskegon County Land Bank Authority.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Franklin J. Peterson, City Manager

DATE: October 18, 2016

RE: West Michigan Metropolitan Transportation Planning Program (WestPlan)
Dues FY2016 (October 1, 2016-September 30, 2017)

SUMMARY OF REQUEST;

Authorize staff to pay the City of Muskegon's portion of the WestPlan dues annually at a cost not to exceed \$20,000 annually payable to West Michigan Shoreline Regional Development Commission: projects and distribution of federal transportation funds.

FINANCIAL IMPACT:

Not to exceed \$20,000 per year.

BUDGET ACTION REQUIRED

None

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None

WMSRDC
WEST MICHIGAN SHORELINE
REGIONAL DEVELOPMENT COMMISSION

RECEIVED

OCT 06 2016

Invoice

MUSKEGON
AGENCY'S OFFICE

City of Muskegon
Frank Peterson, Manager
P.O. Box 536
Muskegon, MI 49443-0536

10/03/2016

Invoice #: 1444 Order #: CR: 36465 40150 13910.00 / 36465 40250 2130.00

Description: MPO Dues - West Michigan Metropolitan Transportation Program (WestPlan) for FY 2017
(October 1, 2016 - September 30, 2017). FHWA - \$13,910.00 / FTA - \$2,130.00

Total Amount Due

\$16,040.00



Make all checks payable to West Michigan Shoreline Regional Development
Commission, 316 Morris Avenue, Suite 340, Muskegon, MI 49440

Commission Meeting Date: October 25, 2016

Date: October 17, 2016
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: BID Special Assessment- Resolution Confirming
Special Assessment Roll

SUMMARY OF REQUEST: The City Commission approved the creation of a BID special assessment district at the September 27, 2016 meeting and the Special Assessment Roll is now ready to be confirmed. The assessments will go towards various downtown expenditures, including snow removal on sidewalks, spring/fall cleanup and landscaping, holiday decorating, banners & directional signs, marketing/advertising and art. The BID assessment includes both a "Class A" and a "Class B" district (see attached list).

FINANCIAL IMPACT: The total estimated cost of services within the BID is \$150,000 of which approximately 75% (\$111,924) will be paid by the special assessment to property owners, with the remaining amount to come from the existing BID fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution approving the confirmation of the special assessment roll and authorize the Mayor and Clerk to sign.

CITY OF MUSKEGON

Resolution No. _____

Resolution Confirming Special Assessment Roll
For DOWNTOWN MUSKEGON BUSINESS IMPROVEMENT DISTRICT (BID)

Properties Assessed: See Exhibit A attached to this resolution

RECITALS:

1. The City Commission determined to create a special assessment district covering the properties set forth in Exhibit A attached to this resolution on September 27, 2016, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district levying on "Class A" Properties, as defined in the BID Bylaws, shall be assessed an annual assessment of \$0.08/sf with no assessment to exceed \$3,000 and "Class B" Properties, as defined in the BID Bylaws, shall be assessed an annual assessment of \$0.02/sf with no assessment to exceed \$750.
3. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied will be placed on the Winter 2016 tax bill.
3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on October 25, 2016. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public acts of 1976.

Further I hereby certify that the special assessment roll referred to in the above resolution was confirmed on the date being October 25, 2016.

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

Exhibit A

Properties Assessed

PARCEL NO.	PROPERTY ADDRESS	OWNER	Number	Street	City	State	ZIP	SF_of_Lot	ASSESSMENT AMT	%_of_Assessed_Property	ass'mt based on sq ftage	CLASS
24-205-367-0011-10	1147 3rd St	1145 3RD STREET LLC		PO BOX 809	MUSKEGON	MI	49443	6228	\$498.24	0.216491508	0.017319321	A
24-205-330-0010-00	136 W Webster Ave	136 WEBSTER LLC	648	MONROE AVE NW STE 101	GRAND RAPIDS	MI	49503	17424	\$1,393.92	0.605675663	0.048454053	A
24-205-330-0002-00	165 W Clay Ave	165 CLAY LLC		PO BOX 809	MUSKEGON	MI	49443	4997	\$399.76	0.173700717	0.013896057	A
24-205-315-0006-00	563 W Western Ave	3M INVESTMENTS LLC	565	W WESTERN AVE STE B	MUSKEGON	MI	49440	9235	\$738.80	0.321017834	0.025681427	A
24-205-566-0014-00	446 W Western Ave	446 W WESTERN AVE LLC	446	W WESTERN AVE	MUSKEGON	MI	49440	4168.6	\$333.49	0.144904704	0.011592376	A
24-205-567-0001-10	450 W Western Ave	450 W WESTERN LLC	4880	RAMBLING CREEK DR	MUSKEGON	MI	49441	7858.22	\$628.66	0.273159585	0.021852767	A
24-205-314-0001-10	477 W Western Ave	475 W WESTERN AVE LLC	1887	HOLTON RD STE D-279	MUSKEGON	MI	49445	1500	\$120.00	0.0521415	0.00417132	A
24-205-567-0001-40	500 W Western Ave	500 W WESTERN AVE LLC		PO BOX 1051	MATTHEWS	NC	28106	9448.16	\$755.85	0.328427489	0.026274199	A
24-205-188-0013-00	8 W Walton St	8 W WALTON LLC	8	W WALTON	MUSKEGON	MI	49440	9240	\$739.20	0.321191639	0.025695331	A
24-205-330-0008-00	896 Jefferson St	896 JEFFERSON LLC		PO BOX 809	MUSKEGON	MI	49443	8976	\$718.08	0.312014735	0.024961179	A
24-205-367-0011-00	1141 3rd St	AGUILAR LUIS	8726	S HUSTON	CHICAGO	IL	60617	2352	\$188.16	0.081757872	0.00654063	A
24-205-187-0016-00	908 Terrace St	AUTHORITY BASE VALUE	888	TERRACE ST	MUSKEGON	MI	49440	1320	\$105.60	0.04588452	0.003670762	A
24-205-315-0001-00	521 W Western Ave	BABBITT E C/P R TRUST	4473	CHERRYWOOD CT	MUSKEGON	MI	49441	13860	\$1,108.80	0.481787459	0.038542997	A
24-205-315-0003-00	545 W Western Ave	BABBITT E C/P R TRUST	4473	CHERRYWOOD CT	MUSKEGON	MI	49441	13860	\$1,108.80	0.481787459	0.038542997	A
24-205-365-0001-00	1144 3rd St	BAYVIEW LOAN SERVICING LLC	4425	PONCE DELEON BLVD	MIAMI	FL	33146	117612	\$3,000.00	4.088310724	0.327064858	A
24-205-188-0004-00	928 Terrace St	BK MUSKEGON PROPERTIES LLC	4220	EDISON LAKES PKWY	MISHAWAKA	IN	46545	46264	\$3,000.00	1.608182901	0.128654632	A
24-233-000-0006-00	350 W. Western Ave	BLIND PIG PROPERTIES LLC	800	FIRST ST #357	MUSKEGON	MI	49440	4889.49	\$391.16	0.169963562	0.013597085	A
24-205-174-0004-00	750 Pine St	BOLEN DAVID L		PO BOX 113	ROTHBURY	MI	49452-0113	19140	\$1,531.20	0.665325539	0.053226043	A
24-205-367-0014-00	1129 3rd St	BURLING MICHAEL A/MARY J	3497	MACARTHUR RD	MUSKEGON	MI	49442	1386	\$110.88	0.048178746	0.0038543	A
24-205-315-0005-10	557 W Western Ave	CBT ENTERPRISES LLC	1003	W MAIN ST	FREMONT	MI	49412	1185	\$94.80	0.041191785	0.003295343	A
24-233-000-0005-00	356 W Western Ave	CENTURY CLUB DEVELOPMENT LLC		PO BOX 732	MUSKEGON	MI	49443	5581.67	\$446.53	0.19402443	0.015521954	A
24-205-330-0001-00	835 Terrace St	CIHAK CHARLES W/LINDA B	835	TERRACE ST	MUSKEGON	MI	49440	8392	\$671.36	0.291714311	0.023337145	A
24-205-322-0007-00	1236 8th St	CMN ENTERPRISES LLC	18193	YUMA CT	SPRING LAKE	MI	49456	17424	\$348.48	0.605675663	0.012113513	B
24-205-177-0005-00	794 Pine St	COREPARK INVESTMENTS LLC	1985	E LAKETON AVE	MUSKEGON	MI	49442	22235	\$1,778.80	0.772910833	0.061832867	A
24-205-313-0006-00	451 W Western Ave	COREPARK INVESTMENTS LLC	111	W WESTERN AVE	MUSKEGON	MI	49442	9240	\$739.20	0.321191639	0.025695331	A
24-138-000-0101-00	297 W. Clay Ave #101	CORWIN STEPHEN C/LINDA C	2049	CARTER DR	MUSKEGON	MI	49441	1018.98	\$81.52	0.035420764	0.002833661	A
24-205-175-0016-00	820 Terrace St	CZM PRPTIES LLC	700	TERRACE POINT RD #400	MUSKEGON	MI	49440	11616	\$929.28	0.403783775	0.032302702	A
24-205-175-0010-00	790 Terrace St	DISSELKOEN JACK	3315	REAL	HOUSTON	TX	77087	13719	\$1,097.52	0.476886158	0.038150893	A
24-205-330-0004-00	173 W Clay Ave	DOOM INVESTMENTS LLC	2034	LAKESHORE DR	MUSKEGON	MI	49441	6864	\$549.12	0.238599504	0.01908796	A
24-205-188-0011-00	944 Terrace St	DOOM JEFFREY W	2034	LAKESHORE DR	MUSKEGON	MI	49441	4620	\$369.60	0.16059582	0.012847666	A
24-233-000-0001-00	387 Morris Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	24572	\$1,965.76	0.85414729	0.068331783	A
24-233-000-0002-00	401 Morris Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	24571.79	\$1,965.74	0.85413999	0.068331199	A
24-233-000-0007-00	351 W. Western Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	21714	\$1,737.12	0.754800352	0.060384028	A
24-233-000-0012-00	325 W Western Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	7945.21	\$635.62	0.276183444	0.022094676	A
24-233-000-0013-00	307 W Western Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	16477.87	\$1,318.23	0.572787238	0.045822979	A
24-233-000-0014-00	299 W Western Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	8223.06	\$657.84	0.285841788	0.022867343	A
24-233-000-0015-00	295 W Western Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	8213.94	\$657.12	0.285524768	0.022841981	A
24-233-000-0024-00	292 W Western Ave	DOWNTOWN MUSKEGON DEVELOPMENT CO	425	W WESTERN AVE STE 200	MUSKEGON	MI	49440	42503.25	\$3,000.00	1.47745547	0.118196438	A
24-205-316-0001-00	587 W Western Ave	EBEE PROPERTIES LLC	1685	68TH ST SE	CALEDONIA	MI	49316	12320	\$985.60	0.428255519	0.034260442	A
24-205-316-0009-10	609 W Western Ave	EMP LLC	16149	BAIRD CT	SPRING LAKE	MI	49456	2744	\$219.52	0.095384184	0.007630735	A
24-205-187-0007-00	71 W Webster Ave	FETHKE KAREN J TRUST	1201	MILLS AVE	MUSKEGON	MI	49445	14700	\$1,176.00	0.510986699	0.040878936	A
24-205-331-0001-10	877 Terrace St	FIFTH THIRD BANK	38	FOUNTAIN SQ PLAZA MD 10ATA1	CINCINNATI	OH	45263	58695	\$3,000.00	2.040296891	0.163223751	A
24-205-175-0006-00	121 W Western Ave	FIRST GENERAL CREDIT UNION	589	E ELLIS RD	MUSKEGON	MI	49441	16005	\$1,280.40	0.556349804	0.044507984	A
24-205-176-0001-00	860 Terrace St	FRONTIER COMMUNICATIONS	401	MERRITT 7	NORWALK	CT	6851	82148.22	\$3,000.00	2.85555427	0.228444342	A
24-205-566-0013-00	442 W Western Ave	G & Z PROPERTIES LLC	442	W WESTERN AVE	MUSKEGON	MI	49440	2741.2	\$219.30	0.095286853	0.007622948	A
24-205-186-0006-00	830 Pine St	GILL EASTER JONES	1215	SPRING ST	MUSKEGON	MI	49442	1452	\$116.16	0.050472972	0.004037838	A
24-205-186-0007-00	840 Pine St	GILL EASTER JONES	1215	SPRING ST	MUSKEGON	MI	49442	2904	\$232.32	0.100945944	0.008075676	A
24-205-187-0003-00	839 Pine St	GILL EASTER JONES	1215	SPRING ST	MUSKEGON	MI	49442	3960	\$316.80	0.13765356	0.011012285	A
24-205-187-0005-00	845 Pine St	GILL EASTER JONES	1215	SPRING ST	MUSKEGON	MI	49442	3168	\$253.44	0.110122848	0.008809828	A
24-205-187-0006-00	849 Pine St	GILL EASTER JONES	1215	SPRING ST	MUSKEGON	MI	49442	2436	\$194.88	0.084677796	0.006774224	A
24-205-318-0001-10	683 W Western Ave	GRAND TRUNK LLC	1007	MOORINGS CT	NORTH MUSKEGON	MI	49445	2254	\$180.32	0.078351294	0.006268104	A
24-205-332-0008-00	935 Jefferson St	HAIRITAGE PROPERTIES LLC	1768	BAYVIEW DR	MUSKEGON	MI	49441	4183	\$334.64	0.145405263	0.011632421	A
24-205-329-0001-00	885 Jefferson St	HENNESSY HOLDING LLC	1074	JEFFERSON ST	MUSKEGON	MI	49440	17325.6	\$1,386.05	0.60225518	0.048180414	A
24-792-000-0001-00	316 Morris St	HINMAN LAKE LLC	750	TRADE CENTER WAY STE 100	PORTGAGE	MI	49002	239828	\$3,000.00	8.336661091	0.666932887	A
24-205-556-0001-00	149 Shoreline Dr	HOT ROD HARLEY DAVIDSON	149	SHORELINE DR	MUSKEGON	MI	49440	296454.83	\$750.00	10.30506632	0.206101326	B
24-205-563-0006-00	902 3rd St	HUME PROPERTIES LLC	900	3RD ST STE 302	MUSKEGON	MI	49440	56437.31	\$3,000.00	1.961817329	0.156945386	A
24-205-333-0001-00	221 W Webster Ave	HUNTINGTON BANK		PO BOX 182334	COLUMBUS	OH	43218-2334	92696	\$3,000.00	3.222205649	0.257776452	A
24-205-315-0004-00	555 W Western Ave	INGALLS REAL ESTATE ACQUISITION LLC	3736	S BAKER ST	MUSKEGON	MI	49444	11823	\$945.84	0.410979302	0.032878344	A
24-205-379-0011-00	1185 3rd St	INTERNATIONAL AUTO GROUP LLC	1185	3RD ST	MUSKEGON	MI	49441	17820	\$1,425.60	0.619441019	0.049555281	A
24-205-323-0006-00	585 W Clay Ave	J & J CORNER PROPERTIES LLC	585	W CLAY AVE	MUSKEGON	MI	49440	5247	\$419.76	0.182390967	0.014591277	A

24-205-186-0009-00	860 Pine St	J & K PROPERTIES OF W MI INC		PO BOX 439	TWIN LAKE	MI	49457	16045	\$320.90	0.557740244	0.011154805	B
24-205-175-0001-00	111 W Western Ave	J E REAL ESTATE CO LLC	111	W WESTERN AVE	MUSKEGON	MI	49442	27142	\$2,171.36	0.94348306	0.075478645	A
24-205-367-0013-00	1133 3rd St	J&J PLACE LLC	1133	3RD ST	MUSKEGON	MI	49441	4176	\$334.08	0.145161936	0.011612955	A
24-205-317-0007-00	1208 8th St	JACOBSEN MICHAEL H TRUST	35	RESEARCH DR STE 300	ANN ARBOR	MI	48103	24222	\$484.44	0.84198094	0.016839619	B
24-138-000-0104-00	297 W. Clay Ave #104	JANSKI LLC		PO BOX 1225	MUSKEGON	MI	49443	1261.26	\$100.90	0.043842659	0.003507413	A
24-485-000-0000-00	878 Jefferson St	JEFFERSON PROFESSIONAL CONDOMINIUM	878	JEFFERSON ST	MUSKEGON	MI	49440	36432	\$2,914.56	1.266412749	0.10131302	A
24-205-187-0001-00	833 Pine St	JERVISS-FETHKE INSURANCE AGENCY INC	71	W WEBSTER	MUSKEGON	MI	49440	3960	\$316.80	0.13765356	0.011012285	A
24-205-176-0005-00	121 W Clay Ave	JILLIAN & JORDAN LLC	675	RICHMOND NW	GRAND RAPIDS	MI	49504	4884	\$390.72	0.169772724	0.013581818	A
24-205-322-0003-00	623 W Clay Ave	L & K COMPANY LLC	2964	LAKESHORE DR W201	MUSKEGON	MI	49441	18388	\$1,471.04	0.639185267	0.051134821	A
24-205-322-0005-00	639 W Clay Ave	L & K COMPANY LLC	2964	LAKESHORE DR W201	MUSKEGON	MI	49441	17424	\$1,393.92	0.605675663	0.048454053	A
24-205-367-0012-00	1137 3rd St	LEMKE DELORES J/LEMKE KIM A	1137	3RD ST	MUSKEGON	MI	49441	4536	\$362.88	0.157675896	0.012614072	A
24-205-351-0005-00	275 W Muskegon Ave	LEMMEN PONTIAC & FM EQ	13	RANDALL	COOPERSVILLE	MI	49404	17424	\$1,393.92	0.605675663	0.048454053	A
24-205-367-0015-00	1125 3rd St	LINK BRAD D	1125	3RD ST	MUSKEGON	MI	49441	5805	\$464.40	0.201787605	0.016143008	A
24-205-175-0021-00	777 Pine St	MCDERMOTT WILLIAM/DENISE	777	PINE ST	MUSKEGON	MI	49442	15576	\$311.52	0.541437335	0.010828747	B
24-205-331-0001-00	122 W Muskegon Ave	MCDONALDS CORP		PO BOX 182571	COLUMBUS	OH	49503	42125	\$3,000.00	1.464307122	0.11714457	A
24-205-317-0009-10	600 W Clay Ave	MILL STREET GROUP LLC	35	RESEARCH DR STE 300	AN ARBOR	MI	48103	2464	\$197.12	0.085651104	0.006852088	A
24-205-318-0001-00	664 W Clay Ave	MJ DOWNTOWN PROPERTIES LLC	5142	EVANSTON AVE	MUSKEGON	MI	49442	77614	\$750.00	2.697940248	0.053958805	B
24-205-318-0008-00	650 W Clay Ave	MJ DOWNTOWN PROPERTIES LLC	5142	EVANSTON AVE	MUSKEGON	MI	49442	4800	\$96.00	0.1668528	0.003337056	B
24-205-562-0001-00	715 Terrace St	MOKA CORPORATION	715	TERRACE ST	MUSKEGON	MI	49440	93218.4	\$3,000.00	3.240364796	0.259229184	A
24-205-322-0002-00	611 W Clay Ave	MOORE BRENDA M	611	W CLAY AVE	MUSKEGON	MI	49440	9147.6	\$731.81	0.317979723	0.025438378	A
24-205-332-0007-20	943 Jefferson St	MORALES MANUEL	2737	SHARON CT SW	WYOMING	MI	49519-2317	4841	\$387.28	0.168278001	0.01346224	A
24-205-563-0008-10	372 Morris St	MORRIS ST LLC	425	W WESTERN AVE SUITE 200	MUSKEGON	MI	49440	313632	\$3,000.00	10.90216193	0.872172954	A
24-432-000-0000-00	380 W Western Ave	MUSKEGON CHAMBER BUILDING LLC	300	WASHINGTON AVE STE 200	GRAND HAVEN	MI	49417	15289.9	\$1,223.19	0.531492213	0.042519377	A
24-205-563-0008-11	340 Morris St	MUSKEGON GSA LLC	6641	WEST BROAD ST STE 101	RICHMOND	VA	23230	47579.91	\$3,000.00	1.653925248	0.13231402	A
24-205-315-0005-00	561 W Western Ave	MUSKEGON HERITAGE ASSOC	561	W WESTERN AVE	MUSKEGON	MI	49440	5487	\$438.96	0.190733607	0.015258689	A
24-205-316-0005-00	593 W Western Ave	MUSKEGON LAKEVIEW CONDOS LLC	15877	LAKE AVE	GRAND HAVEN	MI	49417	10920	\$873.60	0.379590119	0.03036721	A
24-204-000-0000-00	333 W Western Ave	NEW TREND INVESTMENTS LLC	8868	WATER ST	MONTAGUE	MI	49437	9280.54	\$742.44	0.32260085	0.025808068	A
24-205-176-0003-00	103 W Clay Ave	NOORDYK WILLIAM TRUST	2700	KENOWA NW	GRAND RAPIDS	MI	49544	5874	\$469.92	0.204186114	0.016334889	A
24-205-316-0004-00	591 W Western Ave	NORTH EAST BUSINESS ASSOC LLC	5691	17 MILE RD	CEDAR SPRINGS	MI	49319	3360	\$268.80	0.11679696	0.009343757	A
24-205-176-0012-00	66 W Webster Ave	NW AMERICA REAL ESTATE LLC	2648	E WHITE LAKE DR	TWIN LAKE	MI	49457	5676	\$113.52	0.197303436	0.003946069	B
24-205-176-0013-00	821 Pine St	NW AMERICA REAL ESTATE LLC	2648	E WHITE LAKE DR	TWIN LAKE	MI	49457	1386	\$27.72	0.048178746	0.000963575	B
24-205-176-0015-00	813 Pine St	NW AMERICA REAL ESTATE LLC	2648	E WHITE LAKE DR	TWIN LAKE	MI	49457	4554	\$91.08	0.158301594	0.003166032	B
24-205-177-0007-00	820 Pine St	NW MILL REAL ESTATE LLC	820	PINE ST	MUSKEGON	MI	49442	26136	\$522.72	0.908513494	0.01817027	B
24-205-567-0001-50	955 3rd St	PARKLAND ACQUISITION LLC	75	W WALTON AVE STE 1	MUSKEGON	MI	49440	69696	0.00*	2.422702651	0.193816212	A
24-605-000-0001-00	939 3rd St	PARKLAND ACQUISITION LLC (2/3 INT)	75	W WALTON	MUSKEGON	MI	49440	67884	\$3,000.00	2.359715719	0.188777258	A
24-205-566-0009-00	428 W Western Ave	PARKLAND HUDSONVILLE LLC	75	W WALTON AVE #A	MUSKEGON	MI	49440	11648	\$931.84	0.404896127	0.03239169	A
24-205-313-0005-00	441 W Western Ave	PH HOLDING LLC		PO BOX 388	MUSKEGON	MI	49443	12904	\$1,032.32	0.448555943	0.035884475	A
24-205-367-0001-00	1115 3rd St	PIONEER RESOURCES INC	601	TERRACE ST #100	MUSKEGON	MI	49440	4356	\$348.48	0.151418916	0.012113513	A
24-205-567-0001-20	490 W Western Ave	PORT CITY CIO BLDG	490	W WESTERN AVE	MUSKEGON	MI	49440	7195.14	\$575.61	0.250110261	0.020008821	A
24-205-328-0001-00	275 W Clay Ave	PRESS' DEVELOPMENT LLC	8081	HOLTON DUCK LAKE RD	HOLTON	MI	49425	59400	\$3,000.00	2.064803396	0.165184272	A
24-205-321-0007-00	1288 9th St	RELIABLE TOWING INC	1288	9TH ST	MUSKEGON	MI	49441	41758	\$750.00	1.451549835	0.029030997	B
24-205-175-0015-00	806 Terrace St	RIEGLER PROPERTIES LLC	808	TERRACE ST	MUSKEGON	MI	49440	3780	\$302.40	0.13139658	0.010511726	A
24-233-000-0004-00	360 W Western Ave	RUSSELL BLOCK DEVELOPMENT LLC		PO BOX 732	MUSKEGON	MI	49443	7805.11	\$624.41	0.271313428	0.021705074	A
24-233-000-0025-00	376 W Western Ave	RUSSELL BLOCK DEVELOPMENT LLC		PO BOX 732	MUSKEGON	MI	49443	3172.95	\$253.84	0.110294915	0.008823593	A
24-205-379-0001-00	1157 3rd St	S & R KADO LLC	2513	VISTA POINT CT NW	GRAND RAPIDS	MI	49534	17424	\$1,393.92	0.605675663	0.048454053	A
24-205-175-0020-00	98 W Clay Ave	SEARER JAMES	908	N SANDALWOOD CIR	MUSKEGON	MI	49441	1881	\$150.48	0.065385441	0.005230835	A
24-233-000-0008-00	379 W Western Ave	SIDOCK PROPERTIES LLC	45650	GRAND RIVER AVE	NOVI	MI	48374	22542	\$1,803.36	0.78358246	0.062686597	A
24-205-318-0003-00	1250 9th St	STRONG LEIGH JR/LINDA	2084	MARYLAND	MUSKEGON	MI	49441	21120	\$422.40	0.734152318	0.014683046	B
24-205-188-0012-00	952 Terrace St	SWIATEK TRUST	4778	RUSSELL RD	MUSKEGON	MI	49445	13860	\$277.20	0.481787459	0.009635749	B
24-205-555-0001-00	100 W Western Ave	THEBO JOYCE M REVOCBLE LIVING TRUST	45995	MEADOW CIRCLE E	MACOMB	MI	48044	16103	\$1,288.24	0.559756382	0.044780511	A
24-205-351-0007-00	1100 3rd St	VENTURE ONE MANAGEMENT LLC	1100	3RD ST	MUSKEGON	MI	49441	8712	\$696.96	0.302837831	0.024227027	A
24-205-175-0018-00	118 W Clay Ave	VERIZON INC	401	MERRITT 7	NORWALK	CT	06851	17424	\$348.48	0.605675663	0.012113513	B
24-205-316-0007-00	605 W Western Ave	WESTERN AVE LLC	605	W WESTERN AVE	MUSKEGON	MI	49440	3354	\$268.32	0.116588394	0.009327072	A
24-205-316-0008-00	607 W Western Ave	WESTERN AVE LLC	605	W WESTERN AVE	MUSKEGON	MI	49440	4486	\$358.88	0.155937846	0.012475028	A
24-205-189-0010-00	896 Pine St	WILSON EUDORA B JR	8812	62ND AVE	COLLEGE PARK	MD	20740	3480	\$278.40	0.12096828	0.009677462	A
24-205-174-0008-00	772 Pine St	WITT LEE A TRUST	1501	RUDDIMAN DR	MUSKEGON	MI	49445	4224	\$84.48	0.146830464	0.002936609	B
24-205-321-0001-00	665 W Clay Ave	WWG HOLDINGS LLC	665	W CLAY AVE	MUSKEGON	MI	49440	27720	\$554.40	0.963574918	0.019271498	B
24-205-321-0004-00	699 W Clay Ave	WWG HOLDINGS LLC	665	W CLAY AVE	MUSKEGON	MI	49440	27580	\$195.60	0.958708378	0.019174168	B
24-205-321-0012-00	1237 8th St	WWG HOLDINGS LLC	665	W CLAY AVE	MUSKEGON	MI	49440	13400	\$268.00	0.465797399	0.009315948	B

*adjacent parcel w/939; cap has been met

(contiguous property = 1 assessment)

TOTALS: 2876787.21 \$111,924.48
Assessment Rate TOTAL ASSESSMENT

Class A 0.08
 Class B 0.02

Total to be paid by assessments: <u>\$111,924.48</u> Percentage = 74.62%
--

24-205-310-0012-00	880 1st	CITY OF MUSKEGON	933	TERRACE ST	MUSKEGON	MI	49440	24831	\$1,986.48	0.863150389	0.069052031	A	formerly owned by ANKO Enterprises
24-205-310-0016-00	216 W Clay	CITY OF MUSKEGON	933	TERRACE ST	MUSKEGON	MI	49440	14828.26	\$1,186.26	0.515445145	0.041235612	A	formerly owned by Hennessy's
24-205-367-0016-00	1121 3rd	COUNTY OF MUSKEGON TREASURER	173	E APPLE AVE STE 104	MUSKEGON	MI	49442	1584	\$126.72	0.055061424	0.004404914	A	formerly owned by Brad Link
									\$3,299.46				

AGENDA ITEM NO. _____

CITY COMMISSION MEETING: October 25, 2016

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Treasurer

DATE: October 18, 2016

RE: Public Hearing
Confirmation of Special Assessment Roll-Street Lighting

SUMMARY OF REQUEST:

Confirm the Special Assessment Roll-Street Lighting

FINANCIAL IMPACT:

Total collections over 10 years projected to be \$2,706,860.00 based on 14,360 eligible parcels.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Confirm the Roll for Special Assessment and to establish the amount to levy on all eligible properties for 10 years and approve the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution Confirming Special Assessment Roll
For City-wide Street Lighting LED Upgrade

Properties Assessed: See Exhibit A attached to this resolution

RECITALS:

1. The City Commission determined to create a special assessment district covering the properties set forth in Exhibit A attached to this resolution on October 10, 2016, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district levying on each tax parcel with a state equalized value over \$1,000 a total of \$188.50, (\$18.85 per year for ten years) which means that approximately 100% of the cost of the LED street lighting upgrade will be paid by special assessments. It has been determined that this assessment is appropriate and considered to be beneficial to the assessed properties.
3. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in ten equal installments of \$18.85 commencing on the Winter 2016 tax bill and each Winter tax bill thereafter.
3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on October 25, 2016. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public acts of 1976.

Further I hereby certify that the special assessment roll referred to in the above resolution was confirmed on the date being October 25, 2016.

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

MAYOR'S ENDORSEMENT AND WARRANT

I, Stephen J. Gawron, Mayor of the City of Muskegon hereby endorse the above confirmation resolution and hereby warrant to the City Treasurer this date that he shall proceed to collect the assessments at the time and in the manner set forth above.

CITY OF MUSKEGON

By _____
Stephen J. Gawron, Mayor

Exhibit A

All eligible parcels located inside the City of Muskegon with a state equalized value over \$1,000

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL
SPECIAL ASSESSMENT DISTRICT: STREET LIGHTING

The location of the special assessment district and the properties proposed to be assessed are:
PARCELS IN THE CITY OF MUSKEGON WITH A STATE EQUALIZED VALUE OF OVER \$1,000, INCLUDING ALL
CITY OWNED PARCELS.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll shall be held in the
City of Muskegon Commission Chambers on October 25, 2016 at 5:30 P.M.

At the time set for the hearing the City Commission will examine and determine whether to
approve the special assessment roll which has been prepared and submitted for the purpose of said
hearing and for examination by those persons to be assessed. The special assessment roll is on file and
may be examined during regular business hours at the City Treasurer's office between 8:30 A.M. and
5:00 P.M. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN
WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED, YOU WILL
HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL
WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE HEARING OR DID
SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY
AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX
TRIBUNAL WILL BE LOST.

You are further notified that at the first hearing the City Commission determined that the
special assessment district should be created, the improvement made, and the assessment levied. The
purpose of this hearing is to hear objections to the assessment roll and to approve, reject, or correct the
said roll.

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE CITY COMMISSION
AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City Commission of Muskegon will provide necessary reasonable auxiliary aids and services,
such as signers for the hearing impaired and audio tapes or printed material being considered at the
meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring
auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Meisch, City Clerk
933 Terrace Street
Muskegon, MI 49440
(231)724-6705
TTY/TDD: Dial 7-1-1 and request a representative to dial 231-724-6705

COMMISSION MEETING DATE: October 25, 2016

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1605342 – 2152 S Getty St.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 2152 S. Getty St. is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure (they currently have obtained a demolition permit to complete the demolition) the City would like to be able to follow through with the demolition bidding process.

Location and ownership: This structure is located on S. Getty St. between Delano Ave. and E. Hackley Ave. and is owned by Ramos-Delgado LLC.

Staff Correspondence: This property is a commercial property. The Notice and Order to Repair was issued on 7/20/2016. On 9/1/2016 the HBA declared the structure substandard and dangerous.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 60,100

Estimated cost to repair: \$ 60,000 (Exterior estimate only. Owner has not requested interior inspection.)

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

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: The Muskegon County Land Bank had sold the property on Land Contract and the purchaser had fallen behind in the payments. The purchaser did find a financial backer for the rehab and did have the payments caught back up; but nothing more had been completed and they fell behind in their Land Contract payments.

T. Moulatsiotis did appear at the HBA meeting but the buyers had not. He had made it known that they were behind in their payments again and was not sure what the Land Bank will choose to do at this time. A. Esparza (financial backer) had inquired about the meeting of the HBA and requested more information to be emailed to him (notifications, etc.) so he may determine how he may proceed.

There had been no contact with the buyers of the property.

Permits obtained: None.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.



Front view headed north.



Front view.



Alley view of rear.



Rear view showing missing mortar.



North side of building.



05/05/2016

RAMOS-DELGADO LLC
540 SHAMROCK
GRAND RAPIDS, MI 49503

Re: 2152 S GETTY ST

Dear RAMOS-DELGADO LLC,

To do its part in helping to promote and maintain our reputation as a fine residential community, the City Commission has given the SAFEbuilt Building Dept. the responsibility to administer the provisions of Chapter 10, Article VI Property Maintenance Code of the City of Muskegon Code of Ordinances.

Violations noted:

10-285 PROPERTY MAINT CODE NOTED VIOLATIONS MUST BE REPAIRED

- 0107 Roof Roof is totally deteriorated - must be replaced. 10-401 (1)(e)
- 0141 Paint Has peeling paint that needs to be scraped and needs to be protected from weather by properly applied water-resistant paint or waterproof finish. 10-401 (1)(b)
- 0131 Siding & Trim Siding has holes in it, or is rotted or missing. 10-401 (1)(b)
- 0703 Windows Window(s) has/have broken or cracked glass.

Please contact our office if you have questions and so that we may discuss a solution to this issue.

Violation(s) must be resolved no later than 06/04/2016 to avoid the issuance of a citation.

Sincerely,

Ken Murar, SAFEbuilt/City of Muskegon

Date: October 25, 2016

To: Honorable Mayor and City Commissioners

From: Department of Public Works

RE: City – Consumer contract for Street Lights Upgrade to LED

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement with Consumer energy to start the process of engineering and upgrading the City's street lights to LED at an estimated cost of over 2.7 million dollars with an initial payment of \$270,000 to start the process.

FINANCIAL IMPACT:

2.7 million.

BUDGET ACTION REQUIRED:

None at this time, however, future budgets will reflect this additional expense.

STAFF RECOMMENDATION:

To authorize staff to enter into an agreement with Consumer Energy to start the engineering/upgrades of all consumer owned street lights into LED.

COMMITTEE RECOMMENDATION:



September 8, 2016

City of Muskegon

From: Bruce Sheets

Re: Streetlight Construction Estimate

Below is an *estimate* of your costs for Consumers Energy to convert approximately 2,900 high pressure sodium (HPS) streetlights to light emitting diode (LED). The rough estimate is based on the most recent led vendor information given and may be subject to changes once internal retail contracts have been secured and actual field design has taken place.

This estimate is valid for 60 days from the date of this letter and is subject to change thereafter. This cost estimate includes only work required for Consumers Energy and does not reflect any work or costs that may be required by other parties, including other utilities.

Additional costs may be required if:

- Practical difficulties encountered during construction
- Work presently designed is done outside normal business hours
- Changes to the design or route
- Changes to fixture types or quantity
- Other Construction delays.

Cobra Head	Estimated Cost Per Fixture	Number of Fixtures	Estimated Cost
100W HPS to 54W LED	\$784.00	1125	\$882,000.00
150W HPS to 72W LED	\$925.00	890	\$823,250.00
250W HPS to 110W LED	\$980.00	708	\$693,840.00
400W HPS to 213W LED	\$1,380.00	212	\$292,560.00
<hr/>			
Post Tops	Estimated Cost Per Fixture	Number of Fixtures	Estimated Cost
150W HPS to 84W Traditional (Option 1)	\$1,503.00	52	\$78,156.00
150W HPS to 84W Avery (Option 2)	\$2,350.00	(NOT IN CURRENT ESTIMATE)	
TOTAL COSTS			<u>\$2,769,806.00</u>



Re: Streetlight Construction Estimate Continued

A more detailed timeline will be provided upon completion of the study. The study will take approximately two to three months upon receipt of the engineering deposit.

We require an engineering deposit of \$276,980 be collected prior to the beginning of said project to be allocated towards its overall cost. Once received, further coordination will be put in place for the start of your project. Please feel free to contact myself or Nicholas Page (231-332-2640) with any further question or concerns.

Sincerely,

A handwritten signature in black ink that reads "Bruce Sheets". The signature is written in a cursive, flowing style.

Bruce Sheets
CES Team Leader
269-620-5102
Bruce.Sheets@cmsenergy.com

Current Wattage	Current Count	LED Replacement Wattage
100	1125	54
150	890	72
175	30	54
250	708	110
400	212	213
150	52	84

Current Annual Costs	
\$	580,247

LED - GUXL Rate (2016)

Power Supply Charges	
\$ 0.052025	
	\$ 55,468.37
PSCR	
\$ (0.000140)	
	\$ (149.27)
*Ceiling Factor for 2016	
Deliver Charges (CE owned)	
\$ 0.054687	
	\$ 58,306.56
Fixture Charge per Lamp	
\$ 6.00	
	\$ 217,224.00
Burning Hours	
4,200	
\$	330,850

LED - GUXL Rate (2017*)

Power Supply Charges	
\$ 0.034650	
	\$ 36,943.37
PSCR	
\$ (0.000140)	
	\$ (149.27)
*Ceiling Factor for 2017	
Deliver Charges (CE owned)	
\$ 0.062884	
	\$ 67,046.09
Fixture Charge per Lamp	
\$ 6.00	
	\$ 217,224.00
Burning Hours	
4,200	
\$	321,064

*2017 is for the proposed rate case: U-17990, this is just a proposed rate and has not been approved by the MPSC

Conceptual Costs for replacing Cobra Head fixtures with LED

Consumers Energy will require an engineering study for total project costs

Cobra Head	Estimated Cost Per Fixture	Number of Fixtures	Estimated Cost	Wattage Saved
100W HPS to 54W LED	\$ 784.00	1125	\$ 882,000.00	51,750
150W HPS to 72W LED	\$ 925.00	890	\$ 823,250.00	69,420
250W HPS to 110W LED	\$ 980.00	708	\$ 693,840.00	99,120
400W HPS to 213W LED	\$ 1,380.00	212	\$ 292,560.00	39,644
<hr/>				
Post Tops	Estimated Cost Per Fixture	Number of Fixtures	Estimated Cost	Wattage Saved
150W HPS to 84W Tradition:	\$ 1,503.00	52	\$ 78,156.00	4,992
150W HPS to 84W Avery	\$ 2,350.00			
				264,926
			\$ 2,769,806.00	1,112,689
				kWh saved annually

*These are only estimates and costs may vary based on each fixture. Fixture and labor costs are included in the above estimate, however this does not include any other removal costs or additional equipment costs due to center suspension lights, tree trimming, old poles in need of replacement, etc.