

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 25, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Approval of Neighborhood Enterprise Zone Certificate for 362 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - C. FIRST READING: Zoning Ordinance Amendment for MC, Medical Care Districts. PLANNING & ECONOMIC DEVELOPMENT
 - D. FIRST READING: Rezoning Request for Properties Located at 987, 953, 905, 895, 885, & 875 Keating Avenue; 2010, 2020, & 2040 S. Getty Street; 950 E. Delano Avenue; and 1020 & 900 E. Barney Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. FIRST READING: Rezoning Request for Property Located at 2033 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT
 - F. FIRST READING: Zoning Ordinance Amendment for Antique Shops. PLANNING & ECONOMIC DEVELOPMENT
 - G. FIRST READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT
- PUBLIC HEARINGS:
 - A. Spreading of the Special Assessment Roll for Clay Avenue, Terrace to Spring. ENGINEERING
 - B. Spreading of the Special Assessment Roll for Fair Avenue, Torrent to Addison. ENGINEERING

- C. Spreading of the Special Assessment Roll for Park Street, Young to Laketon. ENGINEERING
- D. Request for an Industrial Facilities Exemption Certificate - ReSource Industries. PLANNING & ECONOMIC DEVELOPMENT
- E. Resolution for Class C Liquor License for Ciggzee Morris. PLANNING & ECONOMIC DEVELOPMENT
- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**
- **NEW BUSINESS:**
 - A. Donation Program for 2005 Individual Income Tax Returns – D.A.R.E. Program. INCOME TAX
 - B. Social Security Privacy Policy. INCOME TAX
 - C. Approval of Sale of City-Owned House at 265 Walton. COMMUNITY & NEIGHBORHOOD SERVICES
 - D. Approval of Quit Claim for the Purchase of the City-Owned House at 510 Creston Street. COMMUNITY & NEIGHBORHOOD SERVICES
 - E. Approval of Sale of Infill Home at 747 Marcoux. COMMUNITY & NEIGHBORHOOD SERVICES
 - F. Budgeted Vehicle Purchases. DEPARTMENT OF PUBLIC WORKS
 - G. Hartshorn Marina Renovation Project - Bids Received. LEISURE SERVICES
 - H. Selection of Architect - Central Fire Station. PUBLIC SAFETY
- **ANY OTHER BUSINESS:**
- **PUBLIC PARTICIPATION:**
 - *Reminder: Individuals who would like to address the City Commission shall do the following:*
 - Fill out a request to speak form attached to the agenda or located in the back of the room.
 - Submit the form to the City Clerk.
 - Be recognized by the Chair.
 - Step forward to the microphone.
 - State name and address.
 - Limit of 3 minutes to address the Commission.
 - (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)
- **ADJOURNMENT:**

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

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

SUMMARY OF REQUEST: To approve minutes for the October 10th Commission Worksession, and the October 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 25, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, October 25, 2005.

Mayor Warmington opened the meeting with a prayer from Commissioner Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2005-96 HONORS AND AWARDS: Battalion Chief Ken Chudy presented Commissioner Clara Shepherd with a Certificate of Appreciation for participating in the demonstration rescue capabilities on September 26, 2005.

2005-97 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the October 10th Commission Worksession and the October 11th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Approval of Neighborhood Enterprise Zone Certificate for 362 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Millie Ortiz and Kenneth Richardson to rehabilitate a home in the Nelson Neighborhood at 362 W. Muskegon Avenue. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be between \$3,000 to \$6,000 to replace approximately twelve (12) windows with replacement windows with wood framing inside and out. The applicant has met local and state

requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 6 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the NEZ certificate.

C. FIRST READING: Zoning Ordinance Amendment for MC, Medical Care Districts. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs, #5.) of Article XXIII (General Provisions) to amend the sign ordinance language to add MC, Medical Care district zones to "Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones" section.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding MC, Medical Care districts.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 10/13/05 meeting. The vote was unanimous in favor of the amendment, with B. Smith, and T. Johnson absent.

D. FIRST READING: Rezoning Request for Properties Located at 987, 953, 905, 895, 885, & 875 Keating Avenue; 2010, 2020, & 2040 S. Getty Street; 950 E. Delano Avenue; and 1020 & 900 E. Barney Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 987, 953, 905, 895, 885, & 875 E. Keating Avenue; 2010, 2020, & 2040 S. Getty Street; 950 Delano Avenue; and 1020 & 900 E. Barney Avenue from I-2, General Industrial to I-1, Light Industrial.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/13/05 meeting. The vote was unanimous with B. Smith and T. Johnson absent.

E. FIRST READING: Rezoning Request for Property Located at 2033 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City of

Muskegon, located at 2033 Lakeshore Drive, from RM-1, Low Density Multiple-Family Residential to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/13/05 meeting. The vote was unanimous with T. Johnson and B. Smith absent.

F. FIRST READING: Zoning Ordinance Amendment for Antique Shops.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add antique shops, under Special Land Uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add antique shops to the B-2, Convenience and Comparison Business zoning district.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/13/05 meeting. The vote was unanimous with T. Johnson and B. Smith absent.

G. FIRST READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add a definition for "Antique Shop".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add a definition for "Antique Shop".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 10/13/05 meeting. The vote was unanimous in favor of the amendment with B. Smith and T. Johnson absent.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the Consent Agenda as presented.

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

Nays: None

MOTION PASSES

2005-98 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Clay Avenue, Terrace to Spring. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Clay Avenue, Terrace Street to Spring Street; and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$37,383.25 would be spread against the seventeen (17) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:44 p.m. and approve the special assessment roll and adopt the resolution for Clay Avenue, Terrace to Spring.

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

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll for Fair Avenue, Torrent to Addison. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Fair Avenue, Torrent Street to Addison Street; and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$18,028.40 would be spread against the twenty-five (25) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:44 p.m. to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:46 p.m. and approve the special assessment roll and adopt the resolution for Fair Avenue, Torrent to Addison.

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

Spataro

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Park Street, Young to Laketon. ENGINEERING

ITEM C - Staff has requested that this Public Hearing be postponed. Property owners have been notified by letter.

D. Request for an Industrial Facilities Exemption Certificate - ReSource Industries. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, ReSource Industries, 1485 S. Getty, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1485 S. Getty, Muskegon. The total capital investment is approximately \$159,400 in personal property. This request qualifies ReSource Industries for a 6-year exemption for personal property. ReSource Industries current workforce is 42.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 5:49 p.m. and approve the request for an Industrial Facilities Exemption Certificate for ReSource Industries.

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

Nays: None

MOTION PASSES

E. Resolution for Class C Liquor License for Ciggzree Morris. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing on the request for a Class C Liquor License for Ciggzree Morris. The request is necessary due to a lack of available liquor licenses in the City of Muskegon. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for

the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold the Public Hearing but delay action on approval, since the Downtown Development Authority has not yet approved the resolution.

COMMITTEE RECOMMENDATION: The Downtown Development Authority was scheduled to meet on October 18, 2005, but did not have a quorum.

The Public Hearing opened at 5:50 p.m. to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:56 p.m. and defer action until the meeting in November.

MOTION PASSES

2005-99 NEW BUSINESS:

A. Donation Program for 2005 Individual Income Tax Returns – D.A.R.E. Program. INCOME TAX

SUMMARY OF REQUEST: Approval to use the donations from the 2005 income tax returns to be designated to the D.A.R.E. (Drug Abuse Resistance Education) program. Income tax refunds voluntarily donated from taxpayers will go to the City of Muskegon Police Department to help fund the D.A.R.E. program.

FINANCIAL IMPACT: The average amount collected each year is \$2,500.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Commissioner Spataro to approve the donations from the 2005 income tax returns to the D.A.R.E. program.

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

Nays: None

Absent: Warmington and Shepherd (stepped out of the room)

MOTION PASSES

B. Social Security Privacy Policy. INCOME TAX

SUMMARY OF REQUEST: The adoption of a policy which protects the confidentiality of social security numbers, as required by State of Michigan's Social Security Act (Act 454 of 2004).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the Social Security Privacy Policy.

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

Nays: None

MOTION PASSES

C. Approval of Sale of City-Owned House at 265 Walton. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sale transaction between Mr. Johnnie Tanner for the new Infill home at 265 Walton. The home is part of the Operation Walton Renaissance AKA Hill Top View, which is a joint project between the City of Muskegon, Fifth Third Banks and Neighborhood Investment Corporation. Mr. Tanner's purchase price is \$135,000 with a subsidy of \$40,000. The land where the new home now stands is a former Urban Renewal area overlooking the City's Farmers Market. Operation Walton Renaissance AKA Hill Top View is an example of the City of Muskegon's continued efforts to redevelop its urban neighborhood.

FINANCIAL IMPACT: The program income from the sale will be deposited into the City's Home fund for future activity.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution and the sale of 265 Walton to Mr. Tanner.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the sale of the City-owned house at 265 Walton to Mr. Tanner.

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

Nays: None

MOTION PASSES

D. Approval of Quit Claim for the Purchase of the City-Owned House at 510 Creston Street. COMMUNITY & NEIGHBORHOOD SERVICES

ITEM D - REMOVED FROM AGENDA PER REQUEST OF STAFF.

E. Approval of Sale of Infill Home at 747 Marcoux. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Mayor and City Clerk to sign the quit-claim deed and direct the Community and Neighborhood Services office to complete the purchase between Ms. Shavonda Johnson and the City of Muskegon for the property located at 747

Marcoux. Ms. Johnson's purchase price is \$118,821 with a subsidy of \$38,921. The house at 747 Marcoux is the last of the former Turn-Key 3 sites that were demolished as a part of the City's blight fight efforts. The new home is another example of the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The program income derived from this sale will be used for future HOME activities.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and the sale of 747 Marcoux to Ms. Johnson.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the sale of the infill home at 747 Marcoux to Ms. Johnson.

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

Nays: None

MOTION PASSES

F. Budgeted Vehicle Purchases. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase six Taurus sedans from Great Lakes Ford.

FINANCIAL IMPACT: Total cost \$71,808.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the purchase.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the purchase of six Taurus sedans from Great Lakes Ford.

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

Nays: None

MOTION PASSES

G. Hartshorn Marina Renovation Project - Bids Award. LEISURE SERVICES

SUMMARY OF REQUEST: Due to an irregularity in the bid document, and per consultation with and recommendation from the State of Michigan Department of Natural Resources (DNR), it is recommended that the Commission reject both bids and re-bid the project.

FINANCIAL IMPACT: Funding source for this project is a \$1 Million grant from the DNR with an equivalent \$1 Million match from the City of Muskegon.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To re-bid the project.

Motion by Vice Mayor Larson, second by Commissioner Spataro to reject the bids and re-bid the project.

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

Nays: None

MOTION PASSES

H. Selection of Architect - Central Fire Station. PUBLIC SAFETY

SUMMARY OF REQUEST: Proposals have been accepted for the design of a new Central Fire Station. Ten (10) proposals were received. These proposals were reviewed by the Project Team consisting of Mr. Bryon Mazade, Mr. Tim Paul, Deputy Director Mark Kincaid, and Tony Kleibecker. Generally, we evaluated the firms' experience and background in the design of fire stations, their ability to work with staff as part of a team, their vision for our station and their initial cost estimate.

Based upon our review, we are recommending that the following two (2) firms be selected as the architects for this project:

- (1) Hooker DeJong of Muskegon, Michigan
- (2) Cole & Russell Architects of Cincinnati, Ohio

Hooker DeJong is an established downtown business that has been involved in numerous projects throughout our community. They are keenly aware of the importance of our downtown development and have an established relationship with city staff.

Cole & Russell have been involved in the design of over 60 fire facilities throughout the country. Their proposal included examples of the most cost-efficient use of space, energy-efficient design methods and built-in training features. While staff from Cole & Russell will be directly involved in the design process, they are also experienced in working with local architectural firms. Both firms have agreed to serve as co-architects on this project.

FINANCIAL IMPACT: The proposed fee for this project, subject to negotiation, is 7% of construction costs. This fee will be split between the two firms, per an agreement to be reached by them.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the request to designate Hooker DeJong of Muskegon and Cole & Russell Architects of Cincinnati as the co-architects for the Central Fire Station.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were heard.

PUBLIC PARTICIPATION: Comments were heard from Judy Meisch and Lyle Day.

ADJOURNMENT: The City Commission Meeting adjourned at 6:55 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive style with a large initial 'G' and 'K'.

City Clerk
Gail A. Kunding, MMC

AGENDA ITEM No. _____

MUSKEGON CITY COMMISSION – October 25, 2005

TO: Honorable Mayor & City Commissioners

FROM: Planning Department *cbc*

DATE: October 13, 2005

SUBJECT: Approval of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Millie Ortiz and Kenneth Richardson to rehabilitate a home in the Nelson neighborhood at 362 W. Muskegon Avenue. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be between \$3,000 to \$6,000. The replacement of approximately twelve (12) windows with replacement windows with wood framing inside and out. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

Taxation will be 50% of the State average for the next 6 years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

Resolution No. 2005-97(b)

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Millie Ortiz & Kenneth Richardson to rehabilitate a home at 362 W. Muskegon Avenue in the Nelson neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be good for six (6) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation of a home by Millie Ortiz & Kenneth Richardson be approved.

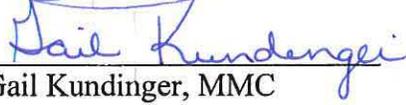
Adopted this, 25th day of October, 2005.

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

Nays: None

Absent: None

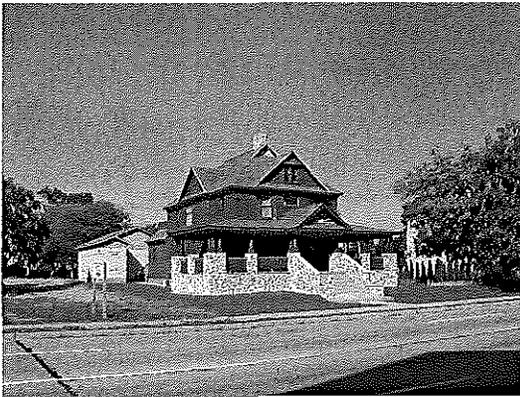
By: 
Stephen J. Warmington, Mayor

Attest: 
Gail Kunderger, MMC
City Clerk

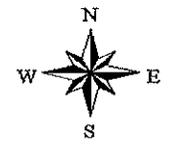
CERTIFICATION

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

By: Gail Kunding
Gail Kunding, MMC
City Clerk



Neighborhood enterprise zone dwnt.shp
Text Dim2
Parcel
New_strt



Commission Meeting Date: October 25, 2005

Date: October 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment to the Zoning Ordinance for MC, Medical Care Districts

SUMMARY OF REQUEST:

Request to amend Section 2334 (Signs, #5.) of Article XXIII (General Provisions) to amend the sign ordinance language to add MC, Medical Care district zones to "Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones" section.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding MC, Medical Care districts.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 10/13 meeting. The vote was unanimous in favor of the amendment, with B. Smith, and T. Johnson absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2165

An ordinance to amend Section 2334 (Signs, #7.) of Article XXIII (General Provisions) of the Zoning Ordinance to amend the ordinance language regarding "Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (Signs, #7.) of Article XXIII (General Provisions) is hereby amended to add MC, Medical Care district zones under "Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones" section:

NEW LANGUAGE

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

7. Permitted signs in the MC, B-2, B-3, B-4, B-5, I-1, and I-2 zones: [amended 1/04]
- a. Scope: Signs shall pertain exclusively to the business carried on within the building.
 - b. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
 - c. Number: One monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on at least one major street or corner frontages on at least one major street, totaling over 500 linear feet. Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.
 - d. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the storefront. In the case where the building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront. In the case where the property has parallel frontage on at least one major street or corner frontage on at least one major street, this allotment may be 15% of the front face of the storefront.
 - e. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the

principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.

f. Changeable copy or electronic message boards: Shall be permitted provided:

- 1) One changeable or electronic message board shall be permitted per premise.
- 2) Changeable copy boards shall be part of a fixed, permanent sign and shall have rigid letters.
- 3) Electronic message boards shall be dimmed at dusk.
- 4) Electronic message board supports shall be at least seventy-five (75) feet from any residential use or zone.

g. Free-standing signs:

- 1) Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
- 2) Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
- 3) Area and Height: All signs shall comply with Table II.

This ordinance adopted:

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

Nays: None

Adoption Date: October 25, 2005

Effective Date: November 8, 2005

First Reading: October 25, 2005

Second Reading: N/A

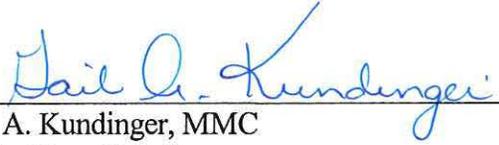
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of October, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 25, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 25, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs #7.) of Article XXIII (General Provisions) to amend the zoning ordinance language regarding the addition of "MC, Medical Care districts" to the "Permitted signs in the B-2, B-3, B-4, B-5, I-1 and I-2 zones" section.

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 October 29, 2005

CITY OF MUSKEGON

By

Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

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

October 13, 2005

Hearing; Case 2005-40: Staff initiated request to amend Section 2334 (Signs, #7.) of Article XXIII (General Provisions) to add MC, Medical District zones to “Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones” section.

BACKGROUND

Until recently the only sign requests in an MC district were associated with a hospital campus, and so the campus language was applied. Recently a request for a sign in an MC district that wasn't part of a hospital campus was received and when reviewed by staff, it was noticed that when the MC district was created in 2003 accommodation wasn't made for it in the sign ordinance. Staff believes that the best location for MC signage should be in Section 2334, Signs #7 “Permitted signs in the B-2, B-3, B-4, B-5, I-1 and I-2 zones”.

NEW LANGUAGE

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

7. Permitted signs in the **MC**, B-2, B-3, B-4, B-5, I-1, and I-2 zones: [amended 1/04]
- h. Scope: Signs shall pertain exclusively to the business carried on within the building.
 - i. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
 - j. Number: One monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on at least one major street or corner frontages on at least one major street, totaling over 500 linear feet. Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.
 - k. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the storefront. In the case where the

building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront. In the case where the property has parallel frontage on at least one major street or corner frontage on at least one major street, this allotment may be 15% of the front face of the storefront.

1. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.

 - m. Changeable copy or electronic message boards: Shall be permitted provided:
 - i. One changeable or electronic message board shall be permitted per premise.
 - ii. Changeable copy boards shall be part of a fixed, permanent sign and shall have rigid letters.
 - iii. Electronic message boards shall be dimmed at dusk.
 - iv. Electronic message board supports shall be at least seventy-five (75) feet from any residential use or zone.

 - n. Free-standing signs:
8. Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 9. Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
 10. Area and Height: All signs shall comply with Table II.

DELIBERATION

I move that the amendment to Section 2334 (Signs #7), Article XXIII (General Provisions), to add MC, Medical District zones to “Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones” section, be recommended to the City Commission for (approval/denial).

Commission Meeting Date: September 25, 2005

Date: **October 14, 2005**
To: **Honorable Mayor and City Commissioners**
From: **Planning & Economic Development** *ABC*
RE: **Rezoning request for properties located at 987, 953, 905,
895, 885, & 875 E. Keating Avenue, 2010, 2020, & 2040 S.
Getty Street, 950 E. Delano Avenue and 1020 & 900 E.
Barney Avenue**

SUMMARY OF REQUEST:

Request to rezone the property located at 987, 953, 905, 895, 885, & 875 E. Keating Avenue, 2010, 2020, & 2040 S. Getty Street, 950 Delano Avenue, and 1020 & 900 E. Barney Avenue from I-2, General Industrial to I-1, Light Industrial.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/13 meeting. The vote was unanimous with and B. Smith and T. Johnson absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2166

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from I-2 "General Industrial" to I-1 "Light Industrial"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial" to I-1 "Light Industrial":

See Attachment A

This ordinance adopted:

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

Nays: None

Adoption Date: October 25, 2005

Effective Date: November 11, 2005

First Reading: October 25, 2005

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, MMC
Clerk

ATTACHMENT A

CITY OF MUSKEGON PART OF THE SW ¼ OF NW ¼ SEC 33 T10N R16W
DESC AS COM AT N ¼ COR SD SEC 33 TH S 01D 00M 40S W A DIST OF
1327.95 FT TH S 89D 25M 13S W A DIST OF 1319.88 FT TO
NE COR OF SW ¼ OF NW ¼ SD SEC TH S 89D 55M 19S W ALG N 1/8 LN
SD SEC BY PLAT OF CONTINENTAL ADD A DIST OF 252.96 FT
TH S 00D 04M 41S E A DIST OF 30 FT TO S ROW LN OF KEATING ST
& POB TH S 00D 04M 41S E A DIST OF 173 FT TH S 89D 55M 19S W PAR
WITH SD ROW LN A DIST OF 158.45 FT TH N 00D 04M 41S W TO SD
ROW LN A DIST OF 173 FT TH N 89D 55M 19S E ALG SD S ROW LN A
DIST OF 158.45 FT TO POB TOGETHER WITH A 60 FT WIDE ESMT FOR
INGRESS & EGRESS MEASURED AT RT ANG 60 FT W & ADJ TO THE
FOL DESC LN LOCATED IN PART OF SW ¼ OF NW ¼
SEC 33 DESC AS FOL COM AT N ¼ COR SD SEC 33 TH S 01D 00M 40S W
A DIST OF 1327.95 FT TH S 89D 25M 13S W A DIST OF 1319.88 FT OF NE
COR SD SEC TH S 89D 55M 19S W ALG SD 1/8 LN A DIS OF 252.96 FT TH
S 00D 04M 41S E A DIST OF 30 FT TO S ROW LN OF KEATING ST TH S
89D 55M 19S W ALG S R/W LN A DIST OF 158.45 TO POB TH S 00D 04M
41S E A DIST OF 215 FT TO PT "A" & POINT OF TERMINUS ALSO
TOGETHER WITH A 43 FT WIDE ESMT FOR INGRESS & EGRESS
MEASURED AT RT ANG & LYING 42 FT N OF & ADJ TO THE FOL DESC
LN LOCATED IN PART OF THE SW ¼ OF NW ¼ SEC 33 DESC AS FOL
RECOM AT SD POINT "A" FOR THE POB TH N 89D 55M 19S E PAR WITH
SD S ROW LN OF KEATING AVE A DIST OF 158.45 FT TO POINT OF
TERMINUS

AND

CITY OF MUSKEGON SEC 22 T10N R16W PART OF NW 1/4 OF SE 1/4 OF
NW 1/4 SEC 33 LYING W OF M R & N CO R OF W & N OF CONSUMERS
POWER CO 66 FT R OF W EX N 30 FT FOR ST ALSO THAT PART OF SW
1/4 OF NW 1/4 N OF CON PWR CO R/W EXC W 455 FT
ALSO EXC N 30 FT ALSO EXC THAT PART OF ABOVE DESC PARCEL
LYING WLY OF A LINE DESC AS:
COM AT A PT ON SL ROW LINE KEATING AVE WHICH IS 5 FT E
OF INT WITH C/L AUSTIN ST EXTENDED TH E ALG S ROW LINE 125 FT
FOR POB OF SD LINE TH S PAR WITH C/L AUSTIN ST EXTENDED
TO N LINE CONSUMERS POWER CO PROPERTY FOR POE OF SD
LINE. TOGETHER WITH A 60 FT WIDE ESMT FOR INGRESS & EGRESS
MEASURED AT RT ANG 60 FT W & ADJ TO THE FOL DESC LINE
LOCATED IN PART OF SW ¼ OF NW ¼ SEC 33 DESC AS FOL
COM AT N ¼ COR SD SEC 33 TH S 01D 00M 40S W A DIST OF 1327.95 FT
TH S 89D 25M 13S W A DIST OF 1319.88 FT OF NE COR OF SW ¼ OF NW
¼ SD SEC TH S 89D 55M 19S W ALG SD 1/8 LINE

A DIS OF 252.96 FT TH S 00D 04M 41S E A DIST OF 30 FT TO S R/W LINE
OF KEATING ST TH S 89D 55M 19S W ALG S R/W LINE
A DIST OF 158.45 TO POB TH S 00D 04M 41S E A DIST OF 215 FT
TO PT "A" & POINT OF TERMINUS ALSO TOGETHER WITH A 43 FT
WIDE ESMT FOR INGRESS & EGRESS MEASURED AT RT ANG & LYING
42 FT N OF & ADJ TO THE FOL DESC LINE LOCATED IN PART OF THE
SW ¼ OF NW ¼ SEC 33 DESC AS FOL RECOM AT SD POINT "A" FOR
THE POB TH N 89D 55M 19S E PAR WITH SD S R/W LINE OF KEATING
AVE A DIST OF 158.45 FT TO POINT OF TERMINUS ALSO EXCEPT PART
OF THE SW ¼ OF NW ¼ SEC 33 T10N R16W DESC AS COM AT N ¼ COR
SD SEC 33TH S 01D 00M 40S W A DIST OF 1327.95 FT
TH S 89D 25M 13S W A DIST OF 1319.88 FT TO NE COR OF SW ¼ OF NW
¼ SD SEC TH S 89D 55M 19S W ALG N 1/8 LN SD SEC BY PLAT OF
CONTINENTAL ADD A DIST OF 252.96 FT TH S 00D 04M 41S E A DIST
OF 30 FT TO S ROW LN OF KEATING ST & POB H S 00D 04M 41S E A
DIST OF 173 FT TH S 89D 55M 19S W PAR WITH SD ROW LN A DIST OF
158.45 FT TH N 00D 04M 41S W TO SD ROW LN A DIST OF 173 FT TH N
89D 55M 19S E ALG SD S ROW LN A DIST OF 158.45 FT TO POB

AND

CITY OF MUSKEGON SEC 33 T10N R16W THAT PART OF S 1/2 OF NW 1/4
SD SECLYING W OF WLY RR ROW ADN N OF CONSUMERS POWER
CODESC AS:COM AT PT ON S ROW LINE KEATING AVE WHICH IS 5 FT
E OF INT WITH C/L AUSTIN ST IF EXTENDED FOR POBTH S PAR WITH
C/L AUSTIN ST EXTENDED TO N LINE CONSUMERS POWER
PROPERTY AND PT ATH RECOM AT POBTH E ALG S ROW LINE
KEATING AVE 125 FT TH S PAR WITH C/L OF AUSTIN ST EXTENDED TO
N LINE CONSUMERS POWER CO LANDTH NWLY TO PT A FOR POE

AND

CITY OF MUSKEGON THAT PART OF SW 1/4 OF NW 1/4 SEC 33 T10N
R16W COMM @ INTER OF C/L AUSTIN ST EXTENDED & S P/L OF
KEATING AVE TH WLY ALG SD LN 25 FT FOR POB TH CONT WLY 60
FT TH S 50 FT TH E 60 FT TH N 50 FT TO POB

AND

CITY OF MUSKEGON SEC 22 T10N R16W THAT PART OF FOLLOWING
DESC PARCELLYING WLY OF A LINE DESC AS COM AT PT ON S ROW
LINE KEATING AVE WHICH IS 5 FT E OF INT WITH C/L OF AUSTIN ST
EXTENDED FOR POB OF SD LINETH S PAR WITH C/L OF AUSTIN ST
EXTENDED TO N LINE CONSUMERS POWER CO PROPERT FOR POE OF
SD LINE. ORIGINAL PARCEL DESC AS: PART OF SW 1/4 OF NW
1/4 LYING N OF CON PWR CO R/W EX W 455 FT AND EX N 30 FT ALSO

EX COMM AT INTER OF C/L AUSTIN ST EXTENDED AND S ROW OF
KEATING AVE TH WLY AL SD LN 25 FT FOR POB TH CONT WLY 60 FT
TH S 50 FT TH E 60 FT TH N FT TO POB SEC 33 T10N R16W

AND

CITY OF MUSKEGON E 150 FT OF W 455 FT OF SW 1/4 OF NW 1/4 OF
SEC 33 T10N R16W LYING N OF CONSUMERS POWER CO R/W EX N 30
FT

AND

CITY OF MUSKEGON SEC 33 T10N R16WPRT OF SW 1/4 OF NW 1/4 SD
SECCOM @ PT ON E SD OF GETTY AVE 60 FT S OF SW COR BLK 7 OF
CONTINENTAL ADDTH E PAR WITH CENTRAL AVE OF SD ADD 272 FT
TO W LN OF CONTINENTAL AVE IF EXTND STH S TO CONSUMERS
POWER CO ROWTH NWLY ALG SD ROW TO PN S OF BEGTH N TO POB

AND

CITY OF MUSKEGON SEC 33 T10N R16WALL THAT PART OF FOL DESC
PARCEL OF LANDWHICH LIES WLY OF W ROW LN CONTINENTAL
STAS EXTND S TO NLY RR R/W LN OF CONRAIL CORP A STRIP OF
LAND 4 RDS IN WIDTH LOC IN NW 1/4 OF SD SEC & LYING NLY OF
AND ADJ TO RR R/W OF CONRAIL CORP

AND

CITY OF MUSKEGON PART OF SEC 33 T10N R16WBEG ON W LINE OF
SW 1/4 OF NW 1/4 TH S 71 DEG 4 MIN E 735.8 FT TH S 1 DEG 12 MIN W
255.5 FT TH N 89 DEG 50 MIN W 698.74 FT TH N 1 DEG E 492.55 FT TO
BEG EX W 33 FT FOR STREET

AND

CITY OF MUSKEGON PART OF SW 1/4 OF NW 1/4 SEC 33 T10N
R16WCOM @ NE COR GETTY & DELANO TH S 89 DEG 50 MIN E 665.74
FT FOR PLACE OF BEG TH S 89 DEG 50 MIN E 452.6 FT TH N 32 DEG 23
MIN W 153.5 FT TH N 71 DEG 04 MIN W 385.8 FT TH S 1 DEG 12 MIN W
255.5 FT TO BEG

AND

CITY OF MUSKEGON A STRIP OF LAND 66 FT WIDE ALONG N LINE
PENN RR R/W ACROSS S 1/2 OF NW 1/4 SEC 33, T10N R16WEXC ALL
THAT PART OF THE FOLLOWING DESC PARCEL OF LAND WHICH LIES

WLY OF W RT OF WAY LINE OF CONTINENTAL ST AS EXTENDED S TO
THE NLY RR R/W LINE OF CONRAIL CORP: A STRIP OF LAND 4 RDS IN
WIDTH LOCATED IN THE NW 1/4 OF SEC 33 T10N R16W AND LYING
NLY OF AND ADJACENT TO THE RR R/W OF CONRAIL CORP

AND

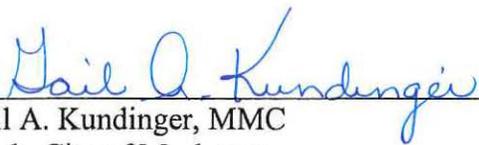
CITY OF MUSKEGON SEC 33 T10N R16W ALL LAND OWNED BY
MUSKEGON RAILWAY & NAVIGATION CO ADJ TO M R & N CO
TRACKS IN S 1/2 OF NW 1/4 & N 1/2 SW 1/4 LYING SLY OF CONSUMERS
ENERGY PROPERTY EX CSX RR ROW ALSO EXC FOLL DESC PROPERTY
IN ENTIRITY THAT PART OF SEC DESC ASCOM AT SW COR SEC 33 TH N
00D 52M 10S E ALG W LINE SEC 934.03 FT TH N 89D 36M 41S E PAR W S
LINE 33 FT FOR POB TH N 89D 36M 41S E 92.37 FT TO NWLY LINE RR
ROW TH S 64D 48M 56S W ALG NWLY ROW 102.79 FT TH N 00D 52D 10S
E PAR W W LINE SD SEC 43.12 FT TO POB ALSO INCL COM AT SW COR
SEC 33 ALSO PART OF SEC 33 T10N R16W DESC AS: OLD PENN CENTRAL
RR ROW ACROSS SEC 33 T10N R16W EXC FOLLOWING DESC: THAT
PART OF SE 1/4 OF NW 1/4 OF NE 1/4 OF SW 1/4 SEC 33 T10N R16W DESC
AS FOL: BEG @ NW COR OF NE 1/4 OF SW 1/4 TH ALONG W LINE OF
NE 1/4 OF SW 1/4 S 00D 33M 00S W 17.85 FT TH ALONG ELY EXTENSION
OF CL HACKLEY AVES 89D 43M 00S E 42.24 FT TO A CONCRETE
MONUMENT ON WLY RT OF WAY FORMER GRAND TRUNK WESTERN
RR FOR POB TH ALONG SAID RT OF WAY N 00D 48M 00S E 375.63 FT TO
AN IRON STAKE TH ALONG SAID RT OF WAY N 32D 28M 30S W 391.64
FT (DEED N 32D 23M 00S W 391.27 FT) TO N LINE DELANO AVE
EXTENDED TH ALONG N LINE S 89D 50M 00S E 316.90 FT TO ELY RT OF
WAY SAID RR TH ALONG ELY RT OF WAYS 00D 48M 00S W 706.56 FT TH
N 89D 12M 00S W 102.00 FT TO POB SUBJECT TO ESMT GRANTED TO
CONSUMERS POWER COMPANY PER QUIT CLAIM DEED OF
EASEMENTS RECORDED IN LIBER 1757 OF PAGE 209 OF MUSKEGON
COUNTY RECORDS

CERTIFICATE

(Rezoning of 987, 953, 905, 895, 885, & 875 E. Keating Avenue, 2010, 2020, & 2040 S. Getty Street, 950 Delano Avenue, and 1020 & 900 E. Barney Avenue I-2 to I-1)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of October, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 25, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

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

October 13, 2005

Hearing; Case 2005-34: Request to rezone the properties located at 987, 953, 905, 895, 885, 875 E. Keating Avenue, 2010, 2020, & 2040 S. Getty Street, 950 E Delano Avenue, and 1020 & 900 E. Barney Avenue from I-2, General Industrial to I-1, Light Industrial.

BACKGROUND

Applicant: Road Com Associates. LLC

Property Address/Location 953 E. Keating Avenue (and additional properties)

Request: Rezone from I-2, General Industrial to I-1, Light Industrial

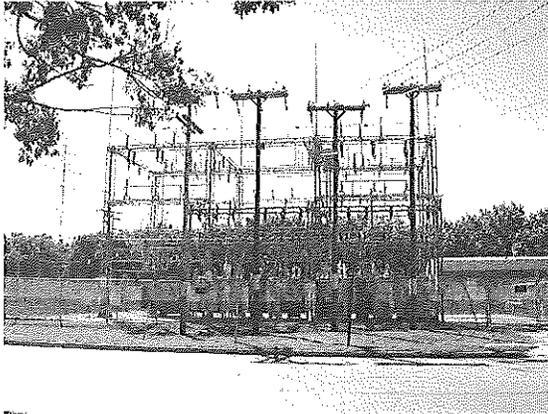
Present Land Use: Varies from commercial, utilities, and light industrial

Zoning: I-2, General Industrial

STAFF OBSERVATIONS

1. This request started out as a lot split request from the owners of 953 E. Keating Avenue, who wished to split their property and sell off one of the buildings.
2. The sale has actually taken place, which creates an illegal lot split. The minimum size lot in an I-2 zone is 43,560 feet, or one acre, where the minimum size lot in an I-1 zone is 21,780 sq. ft., or one-half acre. The lot split would create a lot of 25,411 sq. ft.
3. Properties to the north are zoned B-4, General Business along Keating Street, but a residential neighborhood exists to the north of the commercial zoning directly on Keating. Properties to the South are zoned B-4, General Business, R-1, One Family Residential, and RM-1, Low Density Multiple-Family Residential (the site of Holy Trinity Church and Tri-Valley Academy).
4. All the properties included in this request are part of Medendorp Industrial Park, which includes some I-1 zoning along with I-2.

5. Upon meeting with the applicant and discussing what options were available to solve the problem, it was noted by staff that neither of the properties in question, or any of the immediately surrounding properties, required I-2 zoning.
6. In discussions with Planning Department staff the consensus was that a down zoning for this area that is close to residential districts would be in the best interest of the area.
7. Other uses of property in the area proposed for rezoning are an auto repair and restoration business, a used car lot, the Muskegon County sewer lift station, a Consumer Energy sub station, a former machine shop building, and some properties owned by Michigan Shore Railroad.
8. The property split creates a parking issue for the building that will remain on the new site. The seller would accommodate parking through an easement that includes a strip of asphalt that measures 42 x 158.45 ft. located behind the building. The number of spaces that would need to be accommodated is ten.
9. Staff has received no comments regarding this request.



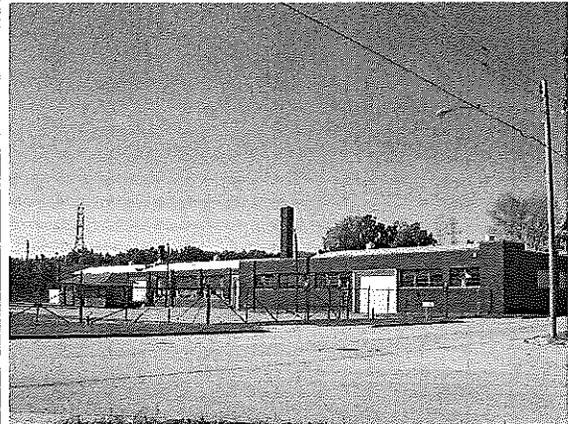
Consumer's Sub Station- 875 E. Keating



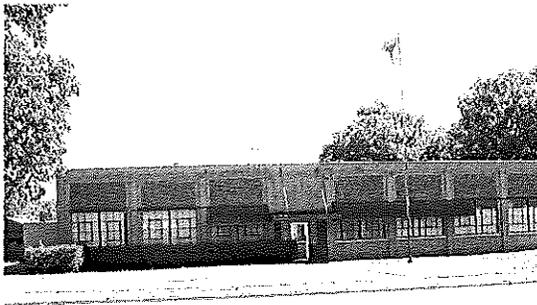
Restore-It-All – 905 E. Keating



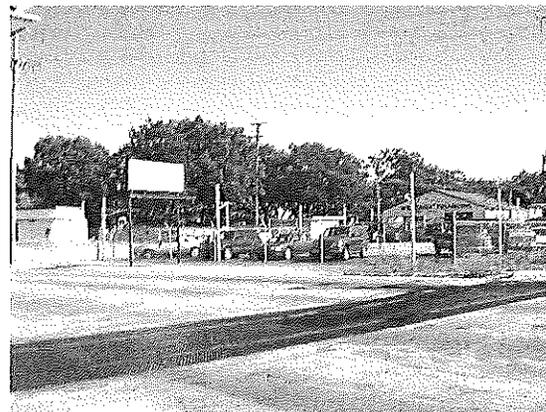
987 E. Keating Avenue



953 E. Keating Avenue

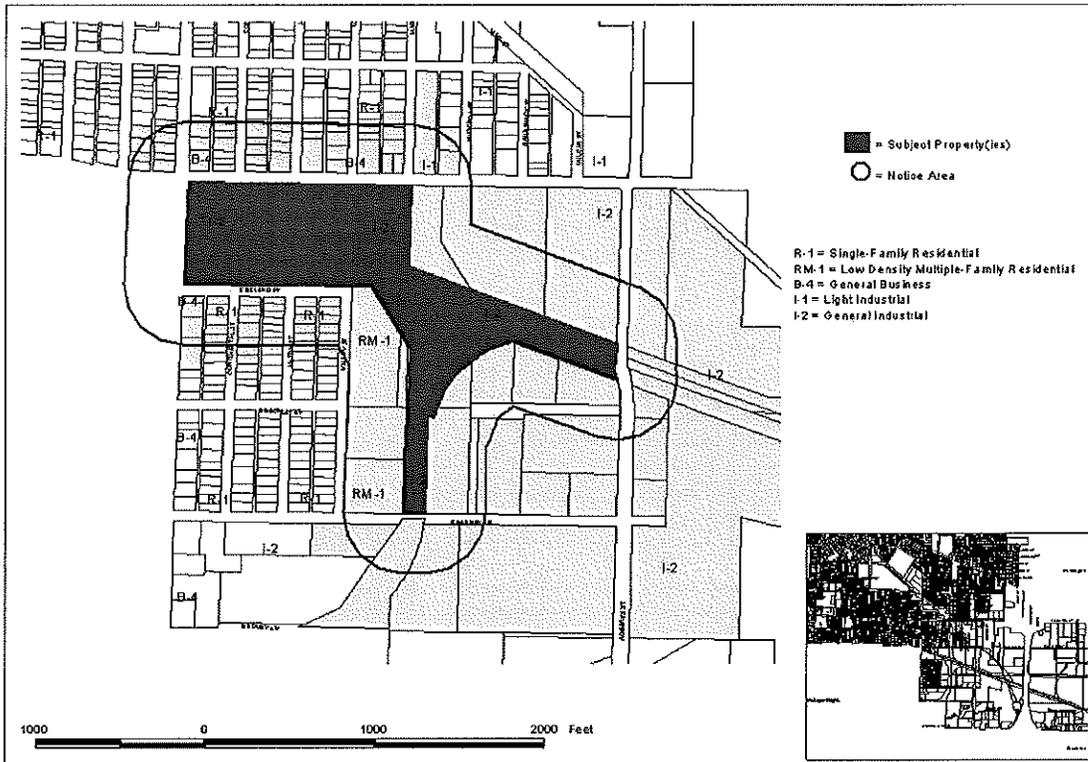


2040 E. Getty Street



2010 & 2020 E. Getty Street

**City of Muskegon
 Planning Commission
 Case # 2005-34**



RECOMMENDATION

Although the 1997 Master Plan Future Land Use Map shows certain parcels as residential in the area north of E. Delano, possible contamination may make that unlikely. In addition, the Master Plan also recommends “the area north of East Barney Avenue, West of Madison Street, and south of East Delano Street should be retained as mixed use residential”, which will continue and is not effected by the rezoning. Staff recommends approval of the request to rezone the subject properties from I-2 to I-1, because the request conforms to the goals and recommendations of the City’s 1997 Master Plan.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?

- c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
- d. A spot zone is **appropriate if it complies with the Master Plan**.

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the properties located at 987, 953, 905, 895, 885, 875 E. Keating Avenue, 2010, 2020, & 2040 S. Getty Street, 950 E. Delano Avenue, and 1020 & 900 E. Barney Avenue from I-2, General Industrial district to I-1, Light Industrial district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on October 25, 2005, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from I-2 "General Industrial" to I-1 "Light Industrial":

See Attachment A

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 November 1, 2005

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: October 25, 2005

Date: October 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Rezoning request for property located at 2033 Lakeshore Dr.

SUMMARY OF REQUEST:

Request to rezone property owned by the City of Muskegon, located at 2033 Lakeshore Drive, from RM-1, Low Density Multiple-Family Residential to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/13 meeting. The vote was unanimous with T. Johnson and B. Smith absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2167

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from RM-1 "Low Density Multiple-Family Residential" to B-2 "Convenience and Comparison Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from RM-1 "Low Density Multiple-Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 BLK 636

This ordinance adopted:

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

Nays: None

Adoption Date: October 25, 2005

Effective Date: November 8, 2005

First Reading: October 25, 2005

Second Reading: N/A

CITY OF MUSKEGON

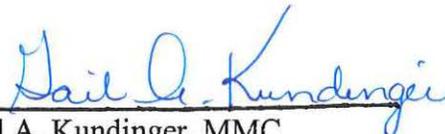
By: Gail A. Kunding
Gail A. Kunding, MMC
Clerk

CERTIFICATE

(Rezoning of 2033 Lakeshore Drive from RM-1 to B-2)

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, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: 10/26, 2005.


Gail A. Kunding, MMC
Clerk, City of Muskegon

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

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

October 13, 2005

Hearing; Case 2005-35: Request to rezone the property at 2033 Lakeshore Drive from RM-1, Low Density Multiple-Family Residential to B-2, Convenience and Comparison Business, by Helen Lorraine DeWald.

BACKGROUND

Applicant: Helen Lorraine DeWald

Property Address/Location 2033 Lakeshore Drive

Request: Rezone from RM-1, Low Density Multiple-Family Residential to B-2, Convenience and Comparison Business

Present Land Use: Vacant/Commercial

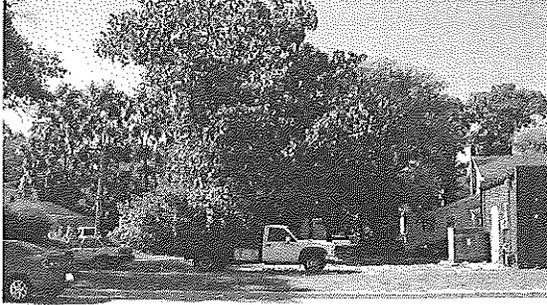
Zoning: RM-1, Low Density Multiple-Family Residential

STAFF OBSERVATIONS

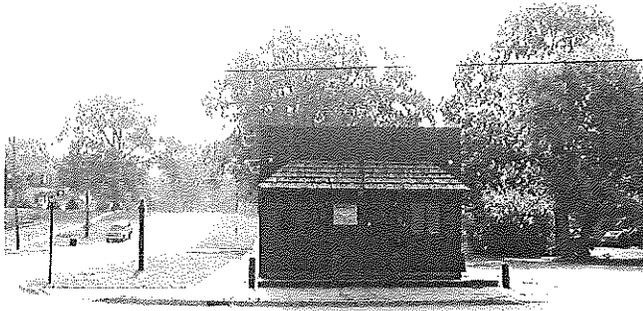
1. The subject property is a vacant commercial building that most recently housed a hair salon. Other previous uses include a restaurant and ice cream shop. Although zoned RM-1, these uses had been allowed because the property enjoyed grandfather status as a commercial property. The building wouldn't be suitable for residential use.
2. The property has been the subject of a previous special use permit to operate a restaurant in 2000. That project never went forward and the special use permit was dissolved later that same year.
3. Properties to the North are zoned B-4, General Business, to the South the zoning is R-1, One Family Residential, to the East directly across Moon Street, the zoning is B-2, Convenience and Comparison Business and to the West is zoned RM-1, Low Density Multiple-Family Residential.
4. The proposed use is for an antique shop. The owner has a tenant interested in moving into the building
5. There is no place in the Zoning Ordinance that allows antique shops as a principal or special use. The next case will address adding antique shops as a special use in the B-2 zone.

6. There is also no definition in the Zoning Ordinance for “antique shops”. That issue will be addressed as well, in a subsequent case at this meeting.
7. Staff received a call from Sally Pleimling, 2080 Cutler. She is in favor of the request.

2033 Lakeshore Drive



View from Moon Street



View from Lakeshore Drive

RECOMMENDATION

The 1997 Master Plan Future Land Use Map shows the property as “commercial”. In addition, the Master Plan also recommends “Maintain the Lakeside Business District as a manageable compact area suitable for pedestrian movement”. Staff recommends approval of the request to rezone the subject properties from RM-1 to B-2 because the request conforms to the goals and recommendations of the City’s 1997 Master Plan

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

2. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
3. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
4. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
6. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
7. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
8. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 2033 Lakeshore Drive from RM-1, Low Density Multiple-Family Residential district to B-2, Convenience and Comparison Business district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on October 25, 2005, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from RM-1 "Low Density Multiple-Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 BLK 636

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 October 29, 2005

CITY OF MUSKEGON

By

Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: October 25, 2005

Date: October 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CEL*
RE: Zoning Ordinance Amendment for Antique Shops

SUMMARY OF REQUEST:

Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add antique shops, under Special Land Uses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add antique shops to the B-2, Convenience and Comparison Business zoning district.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/13 meeting. The vote was unanimous, with T. Johnson and B. Smith absent.

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

October 13, 2005

Hearing; Case 2005-36: Staff initiated request to amend Section 1101, (Special Uses) of Article XI (B-2, Convenience and Comparison Business Districts) of the City's Zoning Ordinance, to add antique shops.

BACKGROUND

There is nowhere in the Zoning Ordinance in which an antique shop is allowed either as a principal or special use. The B-2, Convenience and Comparison Business district does allow "stores selling second hand merchandise" under special uses, but the store must be "associated with a bona fide charitable organization". Although antiques could be considered "second hand merchandise" they are somewhat specialized and usually associated more with quaint, tourist districts in "mainstreet" type locations. Therefore, it seems to staff as if the best place to locate antique shops should also be within a B-2 district as a special use. The definition of "antique shop" will be addressed in the following case.

DELIBERATION

I move that the amendment to Section 1101, (Special Uses) of Article XI (B-2, Convenience and Comparison Business Districts), be amended to add antique shops (new #13), be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 2168

An ordinance to amend Section 1101 (Special Land Uses), of Article XI (B-2, Convenience and Comparison Business Districts) of the City's Zoning Ordinance to add antique shops.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1101 (Special Land Uses), of Article XI (B-2, Convenience and Comparison Business Districts) of the Zoning Ordinance of the City of Muskegon is hereby amended to add antique shops:
(New #13)

13. Antique Shops

(Renumbering)

14. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.

15. Uses similar to the above Special Land Uses Permitted.

This ordinance adopted:

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

Nayes: None

Adoption Date: October 25, 2005

Effective Date: November 8, 2005

First Reading: October 25, 2005

Second Reading: N/A

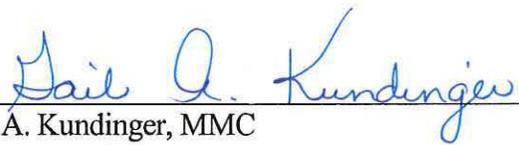
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of October, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: 10/26, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 25, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1101 (Special Land Uses), of Article XI (B-2, Convenience and Comparison Business Districts) of the City's Zoning Ordinance to add antique shops.

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 October 29, 2005

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: October 25, 2005

Date: October 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add a definition for "Antique Shop".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add a definition for "Antique Shop".

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 10/13 meeting. The vote was unanimous in favor of the amendment, with B. Smith and T. Johnson absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2169

An ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Antique Shop".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) is hereby amended to include the following definitions for "Informational Sign":

Antique Shop: A retail establishment which sells objects having special value because of age, especially domestic items, or a piece of furniture or handicraft esteemed for its artistry, beauty or period of origin.

This ordinance adopted:

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

Nays: None

Adoption Date: October 25, 2005

Effective Date: November 8, 2005

First Reading: October 25, 2005

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of October, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: 10/26, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 25, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Antique Shop".

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 October 29, 2005

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

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

October 13, 2005

Hearing; Case 2005-37: Staff initiated request to amend Article II (Definitions) of the Zoning Ordinance to add the definition for “Antique Shop”.

BACKGROUND

The selling of second hand merchandise is allowed in a B-2 zoning district under special use. The store must be associated with a bona fide nonprofit organization. That would indicate that these stores include such organizations as Goodwill and Rescued Treasures. They are typically well kept, well run organizations. However, in November 2001 when these stores were added as a special use in the B-2 district, there were concerns with second hand stores in general, and so were added only with a special use permit.

Since it is important to delineate between “stores selling second hand merchandise” and antique shops, the following definition should be added to the Zoning Ordinance to avoid any confusion.

NEW LANGUAGE

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

Antique Shop: A retail establishment which sells objects having special value because of age, especially domestic items, or a piece of furniture or handicraft esteemed for its artistry, beauty or period of origin.

DELIBERATION

I move that the amendment to Article II (Definitions), of the Zoning Ordinance to add a definitions for “Antique Shop”, be recommended to the City Commission for (approval/denial).

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: October 25, 2005
RE: Public Hearing
Spreading of the Special Assessment Roll
Clay Ave., Terrace St. to Spring St.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Clay Ave., Terrace St. to Spring St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$37,383.25 would be spread against the seventeen - (17) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-98(a)

Resolution Confirming Special Assessment Roll

For Clay Ave., Terrace St. to Spring St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 8, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Clay Ave., Terrace St. to Spring St.

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 25, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 25, 2005**.

City of Muskegon

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

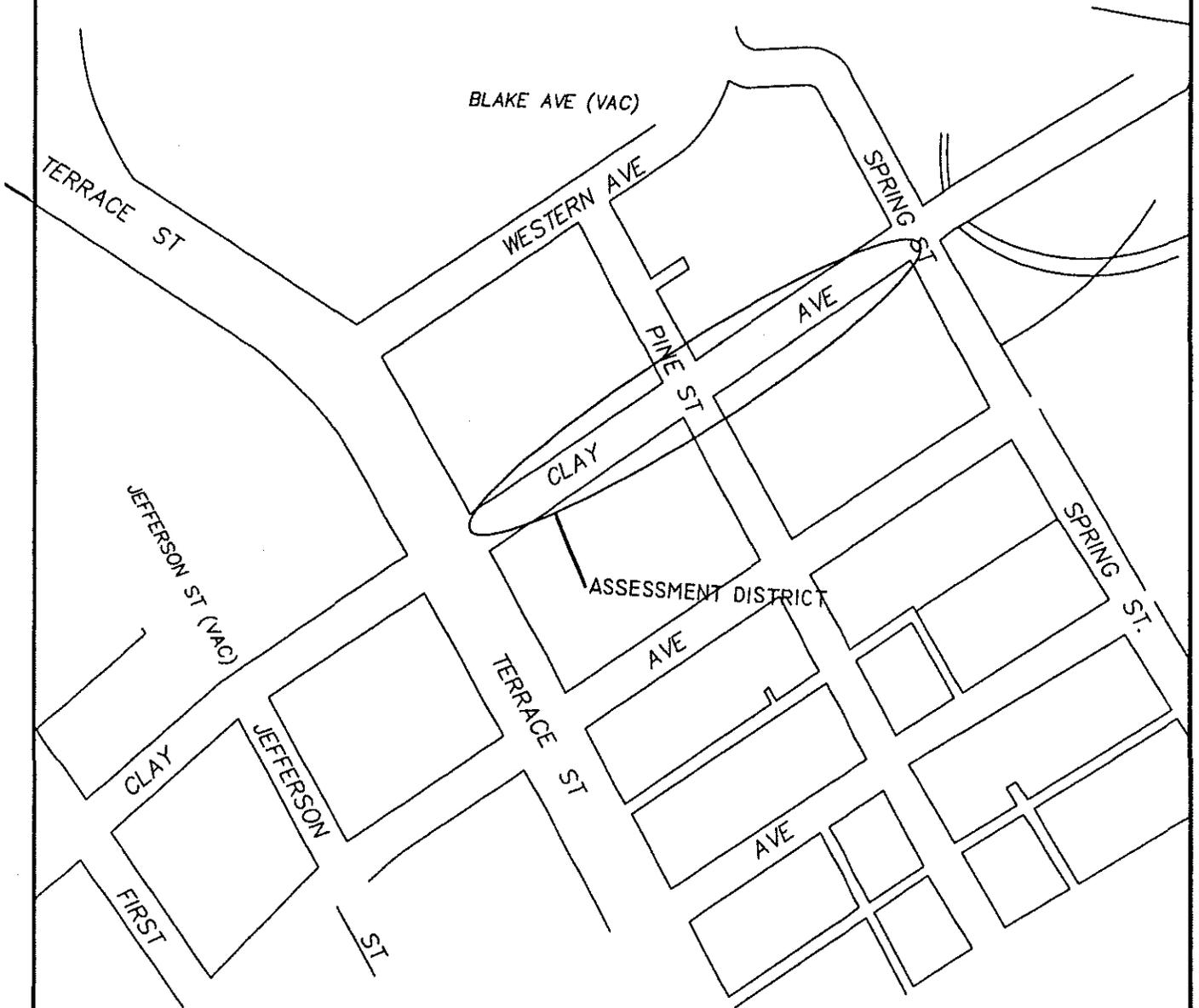
EXHIBIT A

CLAY AVE., TERRACE TO SPRING

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Clay Ave. between Terrace & Spring

SPECIAL ASSESSMENT DISTRICT FOR CLAY AVE.
EXHIBIT "A"



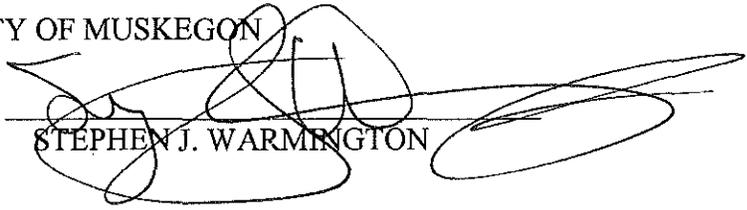
CLAY AVE., TERRACE ST. TO SPRING ST.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

H-1592 Clay Ave., Terrace to Spring St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14TH DAY OF OCTOBER 2005.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
28th DAY OF October, 2005.

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

October 14, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

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

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

CLAY AVE., TERRACE ST. TO SPRING ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 25, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED OCTOBER 25, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$251,000.00 of which \$36,866.88 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2112 based on 66 feet assessable front footage at \$32 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2112 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$211.2 PER YEAR
Due Date: December 27th, 2005

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

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
CLAY AVE. TERRACE, TO SPRING ST. - H-1592
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Address: _____ Phone: _____ Race: _____
 Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
 SIGNATURE _____ TITLE _____
 COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
CLAY AVE. , TERRACE. TO SPRING ST..
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

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

2004

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

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

SPECIAL ASSESSMENT DISTRICTS:

**CLAY AVE., TERRACE ST. TO SPRING ST.
FAIR AVE., TORRENT ST. TO ADDISON ST.
AND
PARK ST., LAKETON AVE. TO YOUNG AVE.**

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

**All parcels abutting Clay Ave. from Terrace St. to Spring St.
All parcels abutting Fair Ave. from Torrent St. to Addison St.
And
All parcels abutting Park St. from Young Ave. to Laketon Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 25, 2005 at 5:30 p.m.**

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

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

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

PUBLISH: **October 15, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

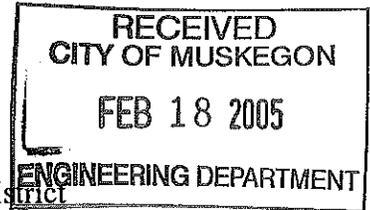
Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

Acct# 643-60447-5267

OA:ENGINEERING\COMMON\2005 PROJE CTS MASTER\Projects\CLAY AVE\Clay SA Confirm Notice.doc

CITY OF MUSKEGON

Resolution No. 2005-13(a)



Resolution At First Hearing Creating Special Assessment District

For **Clay Ave., Terrace to Spring**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 8, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 8, 2005**, there were 20.99% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Shepherd and Larson and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **21.07%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 8, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

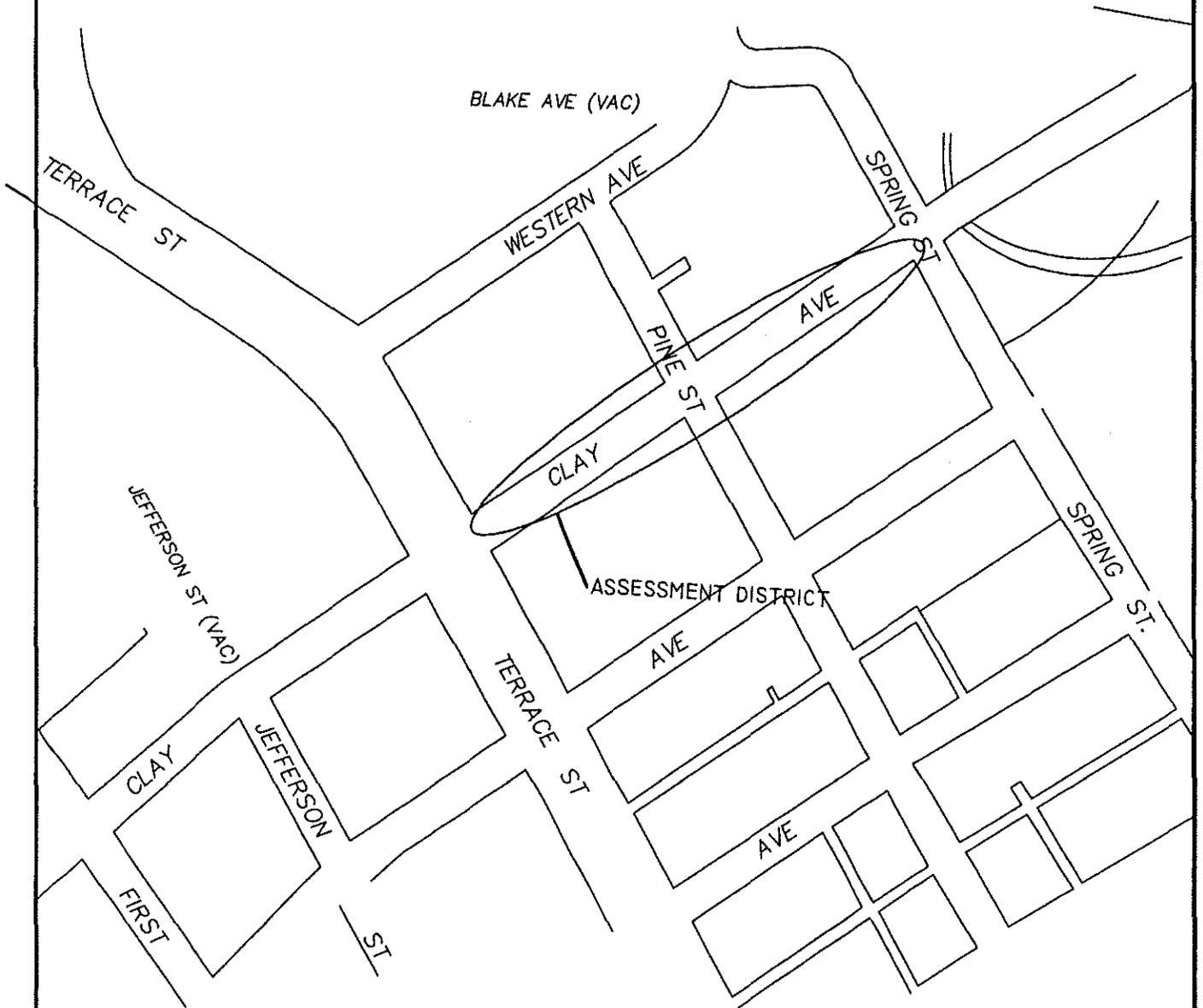
EXHIBIT A

CLAY AVE., TERRACE TO SPRING

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Clay Ave. between Terrace & Spring

SPECIAL ASSESSMENT DISTRICT FOR CLAY AVE.
EXHIBIT "A"



Clerk

H 1592

HEARING DATE OCTOBER 25, 2005

CLAY AVE., TERRACE ST. TO SPRING ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL	
24-205-175-0017-0	820.0	TERRACE ST	2006 C/W 24-205-175-0 820 TERRACE ST	MUSKEGON MI 49440	\$2,112.00	\$0.00	\$2,112.00
24-205-175-0018-0	118.0	CLAY AVE	VERIZON INC P O BOX 152206	IRVING TX 75015	\$4,224.00	\$0.00	\$4,224.00
24-205-175-0020-0	98.0	CLAY AVE	TAGHON DAVID A TRU 2570 NESTROM RD	MUSKEGON MI 49445	\$912.00	\$0.00	\$912.00
24-205-175-0020-1	789.0	PINE ST	2006 C/W 24-205-175-0 2278 SOUTHWOOD	MUSKEGON MI 49441	\$1,657.28	\$0.00	\$1,657.28
24-205-174-0009-0	28.0	CLAY AVE	WITT LEE A 1501 RUDDIMAN DR	MUSKEGON MI 49445	\$2,112.00	\$0.00	\$2,112.00
24-205-174-0011-0	28.0	CLAY AVE	2006 C/W 24-205-174-0 1501 RUDDIMAN DR	MUSKEGON MI 49445	\$4,224.00	\$0.00	\$4,224.00
24-205-176-0006-0	860.0	TERRACE ST	VERIZON INC P O BOX 152206	IRVING TX 75015	\$2,560.00	\$0.00	\$2,560.00
24-205-176-0005-0	121.0	CLAY AVE	THE JILLIAN & JORDA 675 RICHMOND NW	GRAND RAPID MI 49504	\$2,368.00	\$0.00	\$2,368.00
24-205-176-0004-0	111.0	CLAY AVE	VERIZON INC P O BOX 152206	IRVING TX 75015	\$2,096.00	\$0.00	\$2,096.00
24-205-176-0003-0	103.0	CLAY AVE	NOORDYK WILLIAM 2700 KENOWA NW	GRAND RAPID MI 49544	\$1,424.00	\$0.00	\$1,424.00
24-205-176-0002-0	97.0	CLAY AVE	VERIZON INC P O BOX 152206	IRVING TX 75015	\$1,216.00	\$0.00	\$1,216.00
24-205-176-0001-0	91.0	CLAY AVE	VERIZON INC P O BOX 152206	IRVING TX 75015	\$985.60	\$0.00	\$985.60
24-205-176-0001-1	85.0	PINE ST	VERIZON INC P O BOX 152206	IRVING TX 75015	\$1,011.20	\$0.00	\$1,011.20
24-205-177-0005-0	794.0	PINE ST	PERRI ALFRED J TRU 794 PINE ST	MUSKEGON MI 49441	\$2,707.20	\$0.00	\$2,707.20
24-205-177-0004-0	43.0	CLAY AVE	NW MILL REAL ESTAT 820 PINE	MUSKEGON MI 49442	\$1,977.60	\$516.37	\$2,493.97
24-205-177-0003-0	39.0	CLAY AVE	JOLMAN JOHN W/KAT 2552 WHITE	MUSKEGON MI 49444	\$1,056.00	\$0.00	\$1,056.00
24-205-177-0001-0	25.0	CLAY AVE	PRI PER INVESTMENT 794 PINE ST	MUSKEGON MI 49442	\$4,224.00	\$0.00	\$4,224.00

H 1592

HEARING DATE OCTOBER 25, 2005

CLAY AVE., TERRACE ST. TO SPRING ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$36,866.88	\$516.37	<u>\$37,383.25</u>

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

BOARD OF ASSESSORS

L. J. Millard 10-28-05
 LARRY MILLARD, ACTING DIRECTOR, COUNTY EQUALIZATION BOARD DATE

Clara Shepherd 11-2-05
 CLARA SHEPHERD CITY COMMISSIONER DATE

Bill Larson 10-26-05
 BILL LARSON CITY COMMISSIONER DATE

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: October 25, 2005
RE: Public Hearing
Spreading of the Special Assessment Roll
Fair Ave., Torrent St. to Addison St.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Fair Ave., Torrent St. to Addison St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$18,028.40 would be spread against the twenty-five - (25) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-98(b)

Resolution Confirming Special Assessment Roll

For Fair Ave., Torrent St. to Addison St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 22, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Fair Ave. Torrent St. to Addison St.

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 25, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 25, 2005**.

City of Muskegon

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

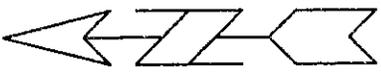
EXHIBIT A

Fair St., Torrent to Addison

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Fair St. from Torrent to Addison.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE

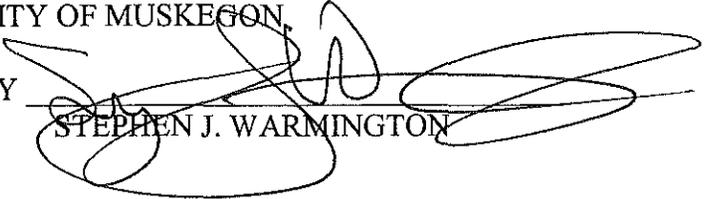
FAIR AVE., TORRENT ST. TO ADDISON ST.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON,

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

H-1598 Fair Ave. , Torrent St. to Addison St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14TH DAY OF OCTOBER 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
28th DAY OF October, 2005.

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

October 14, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITYON, OWNERS STATE OWNERS ZIPCODE

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

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

FAIR AVE., TORRENT ST. TO ADDISON ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 25, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED OCTOBER 25, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$115,000.00 of which \$18,028.40 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$457.49 based on 35.3 feet assessable front footage at \$12.96 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$457.49 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$45.75 PER YEAR
Due Date: December 27th, 2005

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

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

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

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

Sincerely,

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

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
 FAIR AVE., TORRENT ST. TO ADDISON ST. – H-1598
 CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Address: _____ Phone: _____ Race: _____
 Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
 (Please refer to your assessment letter for this information)
 Number Living in Household: _____ List information for household members besides owner/spouse here.
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
 SIGNATURE _____ TITLE _____
 COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
FAIR AVE. TORRENT ST. TO ADDISON ST.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

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

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- ✓ **Applicants must submit proof of current property insurance.**

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Community & Neighborhood Services
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Muskegon, MI 49440**

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

SPECIAL ASSESSMENT DISTRICTS:

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FAIR AVE., TORRENT ST. TO ADDISON ST.
AND
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All parcels abutting Fair Ave. from Torrent St. to Addison St.
And
All parcels abutting Park St. from Young Ave. to Laketon Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 25, 2005 at 5:30 p.m.**

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

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

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

PUBLISH: **October 15, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

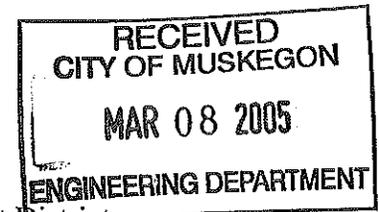
Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

Acct# 643-60447-5267

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CITY OF MUSKEGON

Resolution No. 2005-19(c)



Resolution At First Hearing Creating Special Assessment District
For **Fair Street, Torrent to Addison**
(Keep width at 20 feet)

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

RECITALS:

1. A hearing has been held on **February 22, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 22, 2005**, there were 43.25% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

- Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Gawron and Davis and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
 4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **20.74%** of the cost of the street improvement will be paid by special assessments.
 5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 22, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

no action on P.H.

October 21, 2005

«OWNERS_NAME»
«OWNERS_ADDRESS»
«OWNERS_CITY», «OWNERS_STATE» «OWNERS_ZIPCODE»
«NUMBER»

Property Parcel Number: «P_NUM» at «COMBINED_ADDRESS»

CANCELLATION OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The meeting for the Special Assessment Confirmation Hearing for the PARK ST., YOUNG AVE, TO LAKETON AVE. project (originally scheduled for October 25, 2005) has been postponed.

You will be notified of the new date in the very near future.

We apologize for your inconvenience.

Sincerely,

Mohammed Al-Shatel, PE
City Engineer

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: October 25, 2005
RE: Public Hearing
Spreading of the Special Assessment Roll
Park St., Young Ave. to Laketon Ave.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$44,743.59 would be spread against the eleven - (11) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution Confirming Special Assessment Roll

For Park St., Young Ave. to Laketon Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 8, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR **Park St., Young Ave. to Laketon Ave.**

Continued...

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

This resolution passed.

Ayes: _____

Nays: _____

City of Muskegon

By _____

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 25, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 25, 2005**.

City of Muskegon

By _____

PARK ST., YOUNG AVE. TO LAKETON AVE.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY _____
STEPHEN J. WARMINGTON

October 14, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

2

Property Parcel Number: 24-131-200-0004-00 at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

PARK ST., YOUNG AVE. TO LAKETON AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 25, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED OCTOBER 25, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$179,000.00 of which \$44,743.59 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2430 based on 100 feet assessable front footage at \$24.3 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2430 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$243 PER YEAR
Due Date: December 27th, 2005

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

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

A handwritten signature in cursive script that reads "Mohammed Al-Shatel".

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
 PARK ST, YOUNG AVE. TO LAKETON AVE. – H-1588
 CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____

Address: _____ Phone: _____ Race: _____

Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

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

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

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

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

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

INCOME INFORMATION

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

Total: \$ _____

PROPERTY INFORMATION

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

Homeowner's Insurance Co: _____ **Expiration Date:** _____

Property Taxes: () Current () Delinquent Year(s) Due _____
 (Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
PARK ST. , YOUNG AVE. TO LAKETON AVE.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

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

2004

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

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

SPECIAL ASSESSMENT DISTRICTS:

**CLAY AVE., TERRACE ST. TO SPRING ST.
FAIR AVE., TORRENT ST. TO ADDISON ST.
AND
PARK ST., LAKETON AVE. TO YOUNG AVE.**

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

**All parcels abutting Clay Ave. from Terrace St. to Spring St.
All parcels abutting Fair Ave. from Torrent St. to Addison St.
And
All parcels abutting Park St. from Young Ave. to Laketon Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 25, 2005 at 5:30 p.m.**

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

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

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

PUBLISH: **October 15, 2005**

Gail Kunding, City Clerk

ADA POLICY

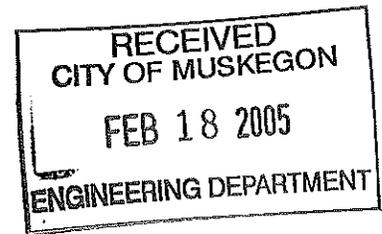
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

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

Acct# 643-60447-5267

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CITY OF MUSKEGON
Resolution No. 2005-13(b)



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

RECITALS:

1. A hearing has been held on **February 8, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 8, 2005**, there were 88.03% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and

if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Spataro and Warmington and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **24.25%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 8, 2005**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

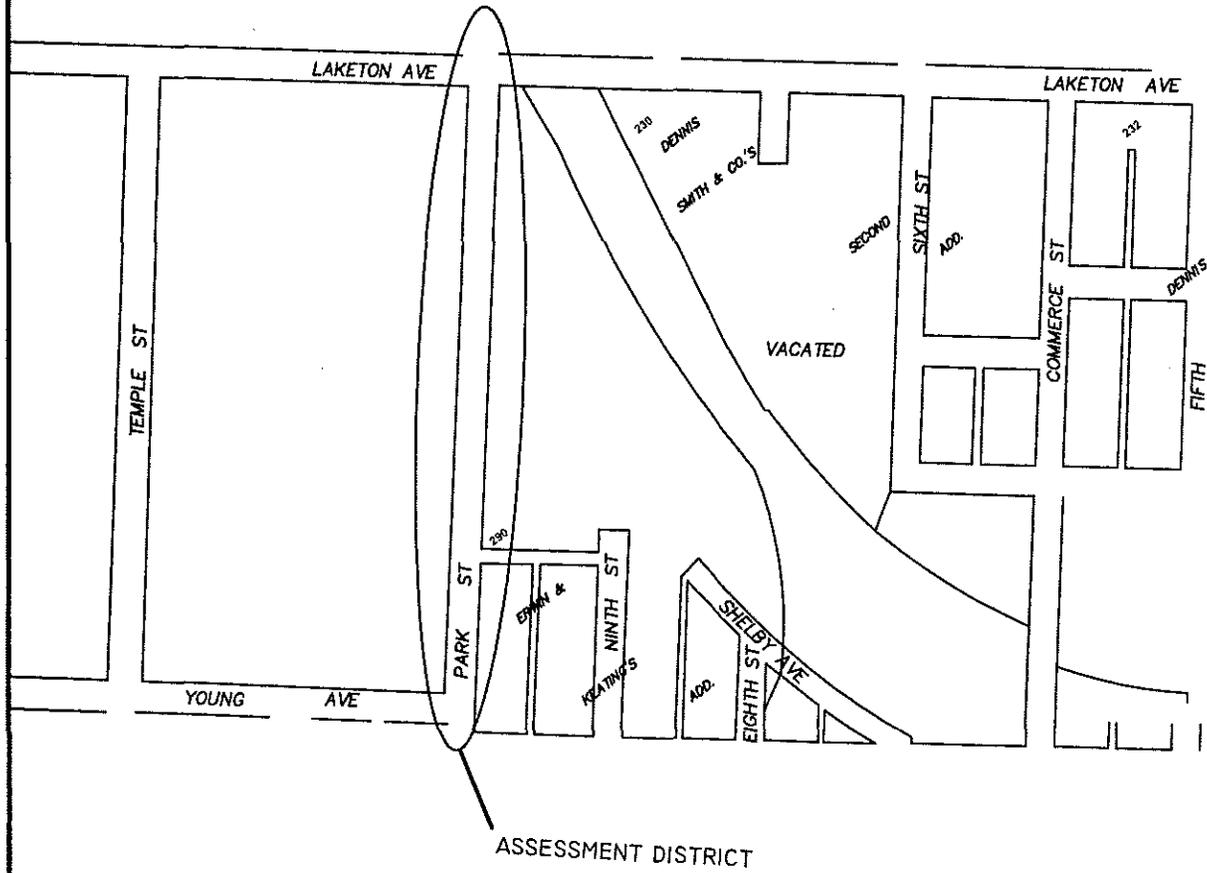
EXHIBIT A

PARK STREET, LAKETON TO YOUNG

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Park Street between Laketon & Young

SPECIAL ASSESSMENT DISTRICT FOR PARK STREET
EXHIBIT "A"



PARK ST., YOUNG AVE. TO LAKETON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL	
24-131-100-0005-0	491.0	LAKETON AVE	ST MARYS CEMETERY PO BOX 4905	MUSKEGON MI 49444	\$15,340.59	\$0.00	\$15,340.59
24-131-200-0004-0	391.0	LAKETON AVE	SHORELINE METAL FA 1880 PARK ST	MUSKEGON MI 49441	\$2,430.00	\$0.00	\$2,430.00
24-131-200-0001-0	1850.0	PARK ST	LOVE JASPER 1850 PARK ST	MUSKEGON MI 49441	\$8,772.30	\$0.00	\$8,772.30
24-131-200-0002-0	1880.0	PARK ST	SHORELINE METAL FA 1880 PARK ST	MUSKEGON MI 49441	\$4,009.50	\$0.00	\$4,009.50
24-131-200-0003-0	1922.0	PARK ST	GREATER MUSK TRA 1922 PARK ST	MUSKEGON MI 49441	\$5,832.00	\$0.00	\$5,832.00
24-290-001-0001-1	1956.0	PARK ST	GREATER MUSK TRA 1922 PARK ST.	MUSKEGON MI 49441	\$2,405.70	\$0.00	\$2,405.70
24-290-001-0003-0	1968.0	PARK ST	GORAJEC GEORGE 2135 LINCOLN PK DR	MUSKEGON MI 49441	\$2,430.00	\$0.00	\$2,430.00
24-290-001-0005-0	1974.0	PARK ST	STATE OF MICHIGAN 430 WEST ALLEGAN F LANSING	MI 48922	\$0.00	\$0.00	\$0.00
24-290-001-0006-0	1978.0	PARK ST	KITCHEN JAMES JR/M 1164 SANFORD ST	MUSKEGON MI 49441	\$1,093.50	\$0.00	\$1,093.50
24-290-001-0007-0	1988.0	PARK ST	OLIVAREZ ALEJANDR 3510 W SKEELS RD A	MONTAGUE MI 49437	\$1,215.00	\$0.00	\$1,215.00
24-290-001-0008-0	1996.0	PARK ST	KIEFT HENRY B 1996 PARK ST.	MUSKEGON MI 49441	\$1,215.00	\$0.00	\$1,215.00

H 1588

HEARING DATE OCTOBER 25, 2005

PARK ST., YOUNG AVE. TO LAKETON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$44,743.59	\$0.00	<u>\$44,743.59</u>

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

BOARD OF ASSESSORS

LARRY MILLARD, ACTING DIRECTOR, COUNTY EQU DATE

LAWRENCE SPATARO CITY COMMISSIONER DATE

STEPHEN WARMINGTO CITY COMMISSIONER DATE

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

H-1588 Park St. , Young Ave. to Laketon Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14th DAY OF OCTOBER 2005.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18 DAY OF October, 2005.

Jo Ann Kekkonen
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 5-13-2012

Commission Meeting Date: October 25, 2005

Date: October 17, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – ReSource Industries**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, ReSource Industries, 1485 S. Getty, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1485 S. Getty, Muskegon. The total capital investment is approximately \$159,400 in personal property. This request qualifies ReSource Industries for a 6-year exemption for personal property. ReSource Industries current workforce is 42.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

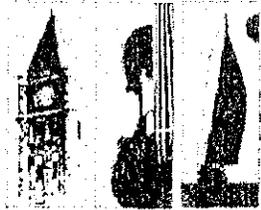
STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

COMMITTEE RECOMMENDATION:

None

MUSKEGON



West Michigan's Shoreline City

City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

ReSource Industries, an existing manufacturing company located at 1485 S. Getty, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. Due to the fact that the company is investing \$159,000 in personal property it is eligible for a six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:		
White		28
Minority		14
Total		42
Gender Characteristics:		
Male		26
Female		16
Total		42

Total No. of Anticipated New Jobs: 4

Investment Information:

Real Property:	\$-0-
Personal Property	\$ 159,400
Total:	\$ 159,400

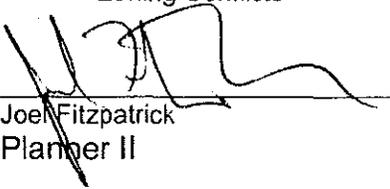
Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$ 4064	\$ 876
Value of Abatement	\$ 2032	\$ 438
Total New Taxes Collected	\$ 2032	\$ 438

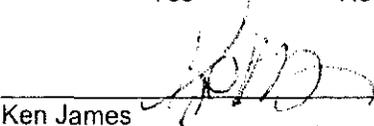
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$1248

Company Requirements:

Adopted Affirmative Action Policy	✓ Yes	No
Meeting w/ City Affirmative Action Director	✓ Yes	No
Signed Tax Abatement Contract	✓ Yes	No
Taxes Paid In Full	✓ Yes	No
Zoning Conflicts	Yes	✓ No


Joel Fitzpatrick
Planner II


Ken James
Affirmative Action Director

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
RESOURCE INDUSTRIES

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 25, 2005, this Commission by resolution established an Industrial Development District as requested by ReSource Industries, 1485 S. Getty, Muskegon, Michigan 49441; and

WHEREAS, ReSource Industries has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion and new machinery and equipment to be installed within said Industrial Development District ; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on October 25, 2005, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of ReSource Industries, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the building expansion and installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGON REVISED PLAT 1903 MUSKEGON VALLEY FURNITURE
COMPANCY SUB DIV THAT PT OF BLK 98 DESC AS BEG AT THE NE COR OF
LOT 15 BLK 2 TH S 32D 05M 00S W ALG SLY LN OF SD LOT 110.50 FT TH N 57D
55M 00S W 174 FT TH S 32D 05M 00S W 161 FT TH S 39D 32M 00S W 113.45 FT TH
S 50D 09M 32S E 228.02 FT TH S 80D 04M 58S E 202.84 FT TH N 00D 25M 00S W
ALG W ROW OF GETTY ST 393.12 FT TH N 57D 55M 00S W ALG THE SLY LN OF
LOUIS AVE 15 FT TO THE POB ALSO BEG AT THE SLY COR LOT 15 BLK 2 TH N
57D 53N 22S W 174 FT ALG SWLY LN SD SUBDIV FOR POB TH S 32D 31M 15S
W 161 FT TH S 39D 19M 14S W 106.32 FT TH N 10D 09M 56S E 297.29 FT TO
SWLY LN BLK 2 TH S 57D 53M 22S E 121.86 ALG SWLY LN BLK 2 TO POB

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of six (6) years on personal property.

Adopted this 25th Day of October 2005

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

Nays: None

Absent: None

BY:


Stephen J. Warmington
Mayor

ATTEST:


Gail Kundinger, MMC
Clerk

CERTIFICATION

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


Gail Kundinger, MMC
Clerk

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT
Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and RESOURCE INDUSTRIES ("Company").

Recitals:

- A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company's subsequent anticipated application for an industrial facilities exemption certificate.
- B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City's determination whether or not to create the district.
- C. The Company intends to install the project set forth in its application ("project") which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.
- D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation, stabilization or increase of economic activity, planning and zoning considerations and the City's general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company's proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.
- E. This contract shall become effective upon the issuance of an Industrial Facilities Tax Exemption Certificate.

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

- 1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, subject to the provisions of section 3.4 of this agreement.
- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, subject to the provisions of section 3.4 of this agreement.
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, subject to the provisions of section 3.4 of this agreement.
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$159,400 in the equipment and improvements as shown in the application, subject to the provisions of section 3.4 of this agreement.
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY.** Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to whether to create the district and whether to receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and/or approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, unless the company can show that there has been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of

equipment shall be placed on the regular tax roll, unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less than expected).

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statute, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

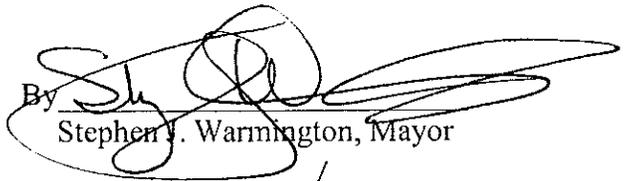
5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

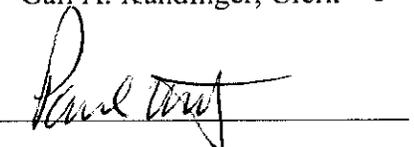
7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunding, Clerk

By 
Its President

and _____

Its _____

ReSource Industries

1485 S. Getty

Muskegon, MI

Affirmative Action Plan

ReSource Industries management will work with the City of Muskegon's Affirmative Action Director and the Planning Department regarding updating, improving, and maintaining an Affirmative Action Plan. The Company will address the plan as follows:

Policy Statement

Whereas, it is the policy of ReSource Industries to provide equal employment opportunity in its workforce on the basis of merit, without discrimination because of race, color, religion, sex, national origin, age, disability, weight, height, veterans, or marital status; and

Whereas, ReSource Industries has provided a section in the Affirmative Action Plan prohibiting discrimination of minorities and females in the company's workforce; and

Whereas, a review of the company's workforce will continue to be a priority regarding minority and women representation in ReSource Industries as we build the growth of our Company; and

Whereas, the company desires to strengthen its present workforce to eliminate any and all barriers, which may prohibit full participation by minorities and women in the workforce at ReSource Industries ;

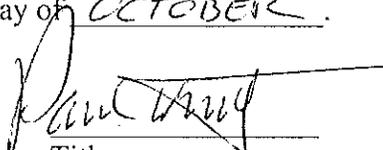
NOW, THEREFORE, BE IT RESOLVED, that ReSource Industries will work to interview qualified minority and women candidates from the greater Muskegon area to become part of the company in the future.

BE IT FURTHER RESOLVED, that ReSource Industries will work to interview any minority and women who meet the minimum qualifications to participate in the company's workforce.

Goals of ReSource Industries Affirmative Action Plan

1. All persons who meet the qualifications described on all job descriptions will be given an opportunity to fill out an application.
2. Recruitment will include minorities and women's groups. Advertising for job vacancies will include the neighborhoods of Muskegon's inner city as well as other means of reaching out for minority and women applicants for job opportunities in our company.
3. ReSource Industries will establish a plan to monitor the workforce and the effectiveness of the Affirmative Action Plan with regard to job opportunities for minorities and women on a semi-annual basis.

Affirmative Action Plan adopted this 17 day of OCTOBER.


Title PRESIDENT

Re-Source Industries, Inc. Racial and gender breakdown as of 10/10/05

Following is our current racial / gender breakdown.

White Male - 19

White Female - 9

Black Male - 5

Black Female - 5

Hispanic Male - 1

Hispanic Female - 1

Other Male - 1

Other Female - 1

Total Males - 26

Total Females - 16

Please note that at the time of our move to Muskegon 20 months ago from Coopersville we had only 2 minority employees. (Coopersville has an almost entirely white population) also note that our family comprises a total of 5 white employees , 3 male 2 female that are included in the above numbers.

Please feel free to contact me if you have any questions.

Sincerely



Paul Kuyt, President

Revised

Commission Meeting Date: October 25, 2005

Date: October 18, 2005
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Public Hearing for Resolution for Class C Liquor License
for Ciggzree Morris**

SUMMARY OF REQUEST: To hold a public hearing on the request for a Class C Liquor License for Ciggzree Morris. The request is necessary due to a lack of available liquor licenses in the City of Muskegon. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing but delay action on approval, since the DDA has not yet approved the resolution.

COMMITTEE RECOMMENDATION: The Downtown Development Authority was scheduled to meet on October 18, 2005, but did not have a quorum.

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. _____

A resolution concerning the issuance of a Development District On-Premise Liquor License pursuant to Sections 521 of the Liquor Control Code of 1998.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. Ciggzree Morris has applied for a Development District On-Premise Liquor License for the premises at 790 Terrace Street.
2. It is required that the Downtown Development Authority and the City Commission approve the issuance of such license before application may be made to the Michigan Liquor Control Commission.
3. A hearing was held on October 18, 2005, at a of the DDA, and the said hearing was publicly noticed in *The Muskegon Chronicle*, and mailed to the neighborhood association involved, as well as the applicant. Public notice was determined by the DDA to be sufficient.
4. A hearing was held October 25, 2005, at the regular meeting of the City Commission. Notice was mailed and deemed satisfactory.

DDA Findings

The DDA found the following facts to be true, based upon the application and the materials placed before the DDA in the public hearing:

1. The business shall be a full service restaurant, which prepares food on the premises, and shall be open to the public.
2. The business will be open for food service not less than ten (10) hours per day five (5) days per week.
3. At least 50% of the gross receipts of the business will be derived from the sale of food for consumption on the premises. "Food" does not include beer or wine.
4. The business has dining facilities that will seat more than twenty-five (25) persons.
5. The business is located in the Downtown Development Authority's Development District, which has a population of less than 50,000. The District is duly established under 1975 PA 197.

6. The DDA, after hearing, has found that the issuance of the license will prevent further deterioration within the Development District and will promote economic growth within the Development District.
7. It appears, based upon the showings at the hearing, that the City of Muskegon has issued all appropriate on-premise licenses that are available under Section 531(1) of the Liquor Control Code of 1998. Further, the DDA is satisfied, after hearing, that an appropriate on-premise escrowed license is not readily available in the City of Muskegon, where the entire Development District is located. The DDA has found that such license is not readily available, taking into account all appropriate economic feasibility factors, including the fair market value of any such license, which is not determinable, for the reason that no such license is available after diligent inquiry by the applicant. Further, the DDA has considered the size and scope of the proposed operation and applicant's efforts to purchase a license. No sale of any such license has been offered or available.
8. The DDA, after public hearing, held after notice on October 18, 2005, has approved the issuance of the said Development District On-Premise license.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission has reviewed the findings of the DDA and held its own hearing, and concurs with the findings of the Downtown Development Authority, and approved in concurrence with the Authority that the Class C license should be issued to Ciggzree Morris at 790 Terrace Street. The City Commission recommends to the Liquor Control Commission the issuance of the said requested license.

This resolution passed.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on October 25, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS
FROM: Kenneth D. Grant, Income Tax Administrator 
DATE: October 13, 2005
RE: Social Security Privacy Policy

SUMMARY OF REQUEST:

The adoption of a policy which protects the confidentiality of social security numbers, as required by State of Michigan's Social Security Act (Act 454 of 2004)

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval recommended

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
Social Security Number Privacy Policy
Effective Date: January 1, 2006

I. Purpose

Pursuant to the Michigan Social Security Number Privacy Act, it is the policy of the City of Muskegon to protect the confidentiality of social security numbers. No person shall knowingly acquire, disclose, transfer, or unlawfully use the social security number of any employee or other individual unless in accordance with the procedures and rules established by this policy.

II. Administrative Procedures/Rules:

A. Public Display

More than 4 sequential digits of a social security number shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, or any other materials or documents designed for public display. Documents, materials, or computer screens that display more than 4 sequential digits of a social security number or other sensitive information shall be kept out of public view at all times.

B. Access to Social Security Numbers

Only authorized persons shall have access to social security numbers.

C. Mailed or Transmitted Documents

City documents containing more than 4 sequential digits of a social security number shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a social security number appear in the document. Documents sent through the mail containing social security numbers shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package. Social security numbers shall not be sent through email unless the connection is secure or the number is encrypted. No individual shall be required to send more than 4 sequential digits of his or her social security number through email unless the connection is secure or the number is encrypted.

D. Public Records

Where a social security number is contained within a document subject to FOIA release, the social security number shall be redacted.

E. Storage and Disposal

All documents or files that contain social security numbers shall be stored in a physically secure manner. Social security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access. Documents or other materials containing more than 4 sequential digits of a social security number shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

F. Information Collected

Social security numbers should only be collected: 1) to verify an individual's identity, 2) to investigate an individual's claim, credit, criminal or driving history, 3) to administer employee benefits, or 4) where required by federal and state law or as otherwise permitted under the Michigan Social Security Number Privacy Act. If a unique identifier is needed, then a substitute for the social security number shall be used where practicable. Whenever the City collects a social security number, it shall inform the individual of the purpose for the collection, the intended use, whether the law requires the number to be provided, and the consequence for not providing the number.

G. Accountability

Any person who fails to comply with this policy shall be subject to discipline up to and including discharge.

Adopted: October 25, 2005



Gail A. Kundinger, MMC
City Clerk

SOCIAL SECURITY NUMBER PRIVACY ACT
Act 454 of 2004

AN ACT to establish the social security number privacy act in the state of Michigan; to prescribe penalties; and to provide remedies.

History: 2004, Act 454, Eff. Mar. 1, 2005.

The People of the State of Michigan enact:

445.81 Short title.

Sec. 1. This act shall be known and may be cited as the "social security number privacy act".

History: 2004, Act 454, Eff. Mar. 1, 2005.

445.82 Definitions.

Sec. 2. As used in this act:

(a) "Child or spousal support" means support for a child or spouse, paid or provided pursuant to state or federal law under a court order or judgment. Support includes, but is not limited to, any of the following:

(i) Expenses for day-to-day care.

(ii) Medical, dental, or other health care.

(iii) Child care expenses.

(iv) Educational expenses.

(v) Expenses in connection with pregnancy or confinement under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vi) Repayment of genetic testing expenses, under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vii) A surcharge paid under section 3a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603a.

(b) "Computer", "computer network", or "computer system" mean those terms as defined in section 2 of 1979 PA 53, MCL 752.792.

(c) "Internet" means that term as defined in 47 U.S.C. 230.

(d) "Mailed" means delivered by United States mail or other delivery service that does not require the signature of recipient indicating actual receipt.

(e) "Person" means an individual, partnership, limited liability company, association, corporation, public or nonpublic elementary or secondary school, trade school, vocational school, community or junior college, college, university, state or local governmental agency or department, or other legal entity.

(d) "Publicly display" means to exhibit, hold up, post, or make visible or set out for open view, including, but not limited to, open view on a computer device, computer network, website, or other electronic medium or device, to members of the public or in a public manner. The term does not include conduct described in section 3(1)(b), (c), or (f).

(e) "Title IV-D agency" means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

(f) "Vital record" means that term as defined in section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

(g) "Website" means a collection of pages of the world wide web or internet, usually in HTML format, with clickable or hypertext links to enable navigation from 1 page or section to another, that often uses associated graphics files to provide illustration and may contain other clickable or hypertext links.

History: 2004, Act 454, Eff. Mar. 1, 2005.

Compiler's note: In subdivision (b), the phrase "mean those terms" evidently should read "means those terms."

Following the first occurrence of subdivision (e), subdivision (d) should evidently be designated subdivision (f), subdivision (e) should evidently be designated subdivision (g), subdivision (f) should evidently be designated (h), and subdivision (g) should evidently be designated (i).

445.83 Prohibited use of social security number of employee, student, or other individual; exceptions.

Sec. 3. (1) Except as provided in subsection (2), a person shall not intentionally do any of the following with the social security number of an employee, student, or other individual:

(a) Publicly display all or more than 4 sequential digits of the social security number.

(b) Subject to subsection (3), use all or more than 4 sequential digits of the social security number as the primary account number for an individual. However, if the person is using the social security number under

subdivision (c) and as the primary account number on the effective date of this act, this subdivision does not apply to that person until January 1, 2006.

(c) Visibly print all or more than 4 sequential digits of the social security number on any identification badge or card, membership card, or permit or license. However, if a person has implemented or implements a plan or schedule that establishes a specific date by which it will comply with this subdivision, this subdivision does not apply to that person until January 1, 2006, or the completion date specified in that plan or schedule, whichever is earlier.

(d) Require an individual to use or transmit all or more than 4 sequential digits of his or her social security number over the internet or a computer system or network unless the connection is secure or the transmission is encrypted.

(e) Require an individual to use or transmit all or more than 4 sequential digits of his or her social security number to gain access to an internet website or a computer system or network unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the internet website or computer system or network.

(f) Include all or more than 4 sequential digits of the social security number in or on any document or information mailed or otherwise sent to an individual if it is visible on or, without manipulation, from outside of the envelope or packaging.

(g) Subject to subsection (3), beginning January 1, 2006, include all or more than 4 sequential digits of the social security number in any document or information mailed to a person, unless any of the following apply:

(i) State or federal law, rule, regulation, or court order or rule authorizes, permits, or requires that a social security number appear in the document.

(ii) The document is sent as part of an application or enrollment process initiated by the individual.

(iii) The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy, or employee or health insurance benefit.

(iv) The document or information is mailed by a public body under any of the following circumstances:

(A) The document or information is a public record and is mailed in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(B) The document or information is a copy of a public record filed or recorded with a county clerk or register of deeds office and is mailed by that office to a person entitled to receive that record.

(C) The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.

(v) The document or information is mailed by or at the request of an individual whose social security number appears in the document or information or his or her parent or legal guardian.

(vi) The document or information is mailed in a manner or for a purpose consistent with subtitle A of title V of the Gramm-Leach-Bliley act, 15 USC 6801 to 6809; with the health insurance portability and accountability act of 1996, Public Law 104-191; or with section 537 or 539 of the insurance code of 1956, 1956 PA 218, MCL 500.537 and 500.539.

(2) Subsection (1) does not apply to any of the following:

(a) A use of all or more than 4 sequential digits of a social security number that is authorized or required by state or federal statute, rule, or regulation, by court order or rule, or pursuant to legal discovery or process.

(b) A use of all or more than 4 sequential digits of a social security number by a title IV-D agency, law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution, or providing all or more than 4 sequential digits of a social security number to a title IV-D agency, law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution.

(3) It is not a violation of subsection (1)(b) or (g) to use all or more than 4 sequential digits of a social security number if the use is any of the following:

(a) An administrative use of all or more than 4 sequential digits of the social security number in the ordinary course of business, by a person or a vendor or contractor of a person, to do any of the following:

(i) Verify an individual's identity, identify an individual, or do another similar administrative purpose related to an account, transaction, product, service, or employment or proposed account, transaction, product, service, or employment.

(ii) Investigate an individual's claim, credit, criminal, or driving history.

(iii) Detect, prevent, or deter identity theft or another crime.

(iv) Lawfully pursue or enforce a person's legal rights, including, but not limited to, an audit, collection, investigation, or transfer of a tax, employee benefit, debt, claim, receivable, or account or an interest in a receivable or account.

- (v) Lawfully investigate, collect, or enforce a child or spousal support obligation or tax liability.
- (vi) Provide or administer employee or health insurance or membership benefits, claims, or retirement programs or to administer the ownership of shares of stock or other investments.
- (b) A use of all or more than 4 sequential digits of a social security number as a primary account number that meets both of the following:
 - (i) The use began before the effective date of this act.
 - (ii) The use is ongoing, continuous, and in the ordinary course of business. If the use is stopped for any reason, this subdivision no longer applies.

History: 2004, Act 454, Eff. Mar. 1, 2005.

445.84 Privacy policy.

Sec. 4. (1) Beginning January 1, 2006, a person who obtains 1 or more social security numbers in the ordinary course of business shall create a privacy policy that does at least all of the following concerning the social security numbers the person possesses or obtains:

- (a) Ensures to the extent practicable the confidentiality of the social security numbers.
- (b) Prohibits unlawful disclosure of the social security numbers.
- (c) Limits who has access to information or documents that contain the social security numbers.
- (d) Describes how to properly dispose of documents that contain the social security numbers.
- (e) Establishes penalties for violation of the privacy policy.

(2) A person that creates a privacy policy under subsection (1) shall publish the privacy policy in an employee handbook, in a procedures manual, or in 1 or more similar documents, which may be made available electronically.

(3) This section does not apply to a person who possesses social security numbers in the ordinary course of business and in compliance with the fair credit reporting act, 15 USC 1681 to 1681v, or subtitle A of title V of the Gramm-Leach-Bliley act, 15 USC 6801 to 6809.

History: 2004, Act 454, Eff. Mar. 1, 2005.

445.85 Exemption from disclosure.

Sec. 5. All or more than 4 sequential digits of a social security number contained in a public record are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

History: 2004, Act 454, Eff. Mar. 1, 2005.

445.86 Violation of MCL 445.83 as misdemeanor; penalty; recovery of damages in civil action.

Sec. 6. (1) A person who violates section 3 with knowledge that the person's conduct violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(2) An individual may bring a civil action against a person who violates section 3 and may recover actual damages. If the person knowingly violates section 3, an individual may recover actual damages or \$1,000.00, whichever is greater. If the person knowingly violates section 3, an individual may also recover reasonable attorney fees. Except for good cause, not later than 60 days before filing a civil action, an individual must make a written demand to the person for a violation of section 3 for the amount of his or her actual damages with reasonable documentation of the violation and the actual damages caused by the violation. This subsection does not apply to a person for conduct by an employee or agent of the person in violation of a privacy policy created pursuant to section 4 or in compliance with the fair credit reporting act, 15 USC 1681 to 1681v, or subtitle A of title V of the Gramm-Leach-Bliley act, 15 USC 6801 to 6809, if the person has taken reasonable measures to enforce its policy and to correct and prevent the reoccurrence of any known violations.

History: 2004, Act 454, Eff. Mar. 1, 2005.

445.87 Effective date.

Sec. 7. This act takes effect March 1, 2005.

History: 2004, Act 454, Eff. Mar. 1, 2005.



Search

GO

Community :: Business :: Travel :: Government

Quick Links



Privacy Statement

Home

Departments

Contact Us

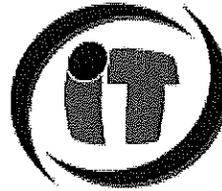
Job Openings

Travel

Government

Community

Business

City of Grand Rapids
Information Technology

This Privacy Statement informs you about the types of information the City of Grand Ra gathers online when you visit any of our associated web sites, how we may use that inf whether we disclose it to anyone, and your choices regarding our use of, and your abilit correct, that information.

This Privacy Statement may change from time to time, so please check back periodical Statement explains the following regarding the treatment of data collected on our Site(s)

1. Sites covered by this Statement
2. What information we collect
3. Why we collect your information
4. How we use your information
5. Sharing your information
6. Use of cookies on these sites
7. Protecting your information
8. Links to other Web sites
9. Changes to this statement
10. Contact us

-
1. Sites covered by this Statement

This Privacy Statement covers the collection and use of data on the www.ci.grand-rapic websites and any affiliated sites managed by Grand Rapids.

2. What Information we collect

The information collected on our Site(s) generally falls into the following two categories: Personally Identifiable Information and Non-Personally Identifiable Information.

Personally Identifiable Information: This refers to information that lets us know the specifics who you are. The Personally Identifiable Information we collect when you use our Site(s) include:

- your name,
- mailing address(es),
- phone number(s),
- e-mail address(es),
- credit card number and expiration date,
- identification numbers,
- login names and passwords,
- public postings,
- employer, and
- job title.

We request Personally Identifiable Information when you:

- request a service,
- participate in certain promotional activities,
- fill out surveys, and
- correspond with us.

We also collect Personally Identifiable Information when you ask that we send information directly to other people; in these cases, we will collect the information you submit about the recipient.

Non-Personally Identifiable Information: This refers to information that does not identify a specific individual. The non-personally identifiable data we collect when you visit our Site(s) may include the Uniform Resource Locator (URL) of the pages you visit on our Site(s) and your Internet Protocol (IP) address. This Statement also contains more information about how we use cookies and other technology to collect this data.

We do not connect the Personally Identifiable Information and Non-Personally Identifiable Information we collect on our Site(s).

3. Why we collect your information

Our primary goal in collecting information is to provide constituents with superior service.

We use your Personally Identifiable information to process your request or provide the requested information. We use Non-Personally Identifiable Information on an aggregate basis to help us understand how visitors use our Site(s) and to measure interest in the various services. We use this information to improve the content of our Site(s) and to make our Site(s) easier to use.

4. How We Use Your Information

We gather and use information in a number of ways, including the following:

Surfing: We collect certain Non-Personally Identifiable Information when you visit our Site(s). We collect this information to help run our Site(s) more efficiently, to gather broad demographic information and to monitor the level of activity on our Site(s). Learn more about how we use cookies and other technology to collect this information.

Online Services: We collect Personally Identifiable Information when you request services online, for example property tax payments. We collect this information to process your request and to obtain payment when applicable, and to communicate with you about the status of your request.

request.

Online surveys: We collect Personally Identifiable Information from customers who voluntarily complete surveys. We use this information to improve our services.

Newsletters and e-mails: We collect Personally Identifiable Information when you ask to receive newsletters, e-mails, and other information. We use this information to provide you the information you request.

Contact information: If you contact us, we may keep a record of your correspondence or comments, including Personally Identifiable Information, in a file specific to you. We use this information to help us provide better service in the event you contact us again.

5. Sharing your information

The City of Grand Rapids will not rent, sell or give away any Personally Identifiable Information entered into the website to third parties for marketing or mailing list purposes. However, Personally Identifiable Information may be shared as required, for a third party to process a request. In addition, we will provide Personally Identifiable Information about you as required by law, subpoena, court order or legal process.

6. Use of Cookies On This Site

A "cookie" is a small data file transferred by a website to your computer's hard drive. We send cookies when you surf, make on-line payments, respond to online surveys, or request information. Accepting cookies does not give us access to your Personally Identifiable Information, but we can use the cookies to identify your computer. The aggregate information collected permits us to analyze traffic patterns on our Site(s). This can enable us over time to provide you with a better experience on our Site(s) by improving the content and making it easier to use.

Most browsers automatically accept cookies, but you can usually refuse cookies, or selectively accept certain cookies, by adjusting the preferences in your browser. If you turn off cookies, though, there may be some features of our Site(s) that will not be available to you and some Web pages may not display properly. You can find information on popular browsers and how you can adjust them to control cookies at the following Web sites:

Microsoft Internet Explorer:
<http://www.microsoft.com/info/cookies.htm>

Netscape Navigator:
http://www.netscape.com/legal_notices/cookies.html

7. Protecting Your Information

The City of Grand Rapids acknowledges your trust and is committed to protecting the information you provide us. To prevent unauthorized access, maintain accuracy, and ensure proper use of information, we are committed to using physical, electronic, and managerial processes to safeguard and secure the information we collect online.

The City hopes to offer e-Commerce (complete on-line transactions on our Site) in the future. When we do, we intend to use Secure Sockets Layer ("SSL") encryption technology to safeguard your sensitive information while it is being sent to us. The SSL encryption is designed to make the information unreadable by anyone but us. We will provide more information when we start offering e-Commerce capabilities.

8. Links to Other Web Sites

Parts of our Site(s) contain links to third-party websites for your convenience and information.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS
FROM: Kenneth D. Grant, Income Tax Administrator 
DATE: October 13, 2005
RE: Donation program for 2005 Individual Income Tax Returns

SUMMARY OF REQUEST:

Approval to use the donations from the 2005 income tax returns to be designated the D.A.R.E. (Drug Abuse Resistance Education) program. Income tax refunds voluntarily donated from taxpayers will go to the City of Muskegon Police Department to help fund the D.A.R.E. program.

FINANCIAL IMPACT:

The average amount collected each year is \$2,500.00.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval recommended

COMMITTEE RECOMMENDATION:



October 13, 2005

Dear City Commissioners,

Every year our department attempts to find a donation program or event that appeal to the community. Each year approximately 600 people donate their refunds. The average amount donated each year is about \$2,500.00. Our donation programs serve a dual purpose:

- 1) To generate money for programs and/or events that not only benefits the city but the entire community.
- 2) To save the city money by reducing the number of checks written and using less postage.

The Income Tax Department requests the authorization from the City Commissioners to designate the 2005 donations to the D.A.R.E. program. The funds generated from our donations will go to this drug awareness program for students of Muskegon Public Schools.

Thanks for you consideration,

Kenneth D. Grant
Income Tax Administrator

Commission Meeting Date: October 25, 2005

Date: October 18, 2005
To: Honorable Mayor and City Commissioners
From: Community and Neighborhood Services
RE: Approval of Sale of City-owned house at 265 Walton

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sale transaction between Mr. Johnnie Tanner for the new Infill home at 265 Walton. The home is part of the Operation Walton Renaissance AKA Hill Top View, which is a joint project between the City of Muskegon, Fifth Third Banks and Neighborhood Investment Cooperation. Mr. Tanner's purchase price is \$135,000 with a subsidy of \$40,000.

The land where the new home now stands is a former Urban Renewal area overlooking the City's Farmers Market. Operation Walton Renaissance AKA Hill Top View is an example of the City of Muskegon's continued efforts to redevelop its urban neighborhood.

FINANCIAL IMPACT: The program income from the sale will be deposited into the City's Home fund for future activity.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval the resolution and the sale of 265 Walton to Mr. Tanner.



265 Walton Ave.

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO Johnnie Tanner of 217 E. Larch, Muskegon, Michigan 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit: **265 Dalton**

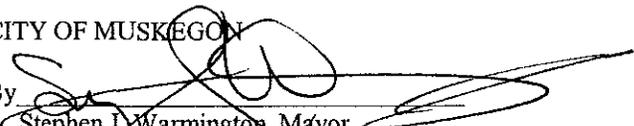
City of Muskegon revised plat of 1903 PART OF LOT 6 & PART OF VAC RATHBORNE ST LYING ADJ THERETO OF BLK 199COM AT SELY COR OF LOT 6 FOR POBTH S 53D 49M 152 W ALG SELY LN OF SD LOT 6 & ITS PROJECTION A DIST OF 80.66 FT TH N 36D 00M 26S W A DIST OF 141.84 FTTH N 53D 40M 03S E ALG NWLY LN SD LOT 6 & ITS PROJECTION A DIST OF 80.30 FT THE S 36D 09M 15S E A DIST OF 0142.06 FT TO THE POB

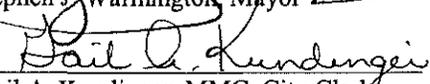
for the sum of One Hundred and Thirty Five Thousand and no/100 Dollars (\$ 135,000.00)

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

Dated this 28th day of October, 2005.

CITY OF MUSKEGON

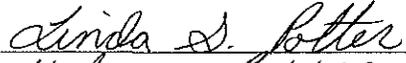
By 
Stephen J. Warmington, Mayor

and 
Gail A. Kundinger, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of October, 2005, by Stephen J. Warmington and Gail A. Kundinger, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786


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

2005-99(c)

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY STATE OWNED PROPERTY AT 265 Walton

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

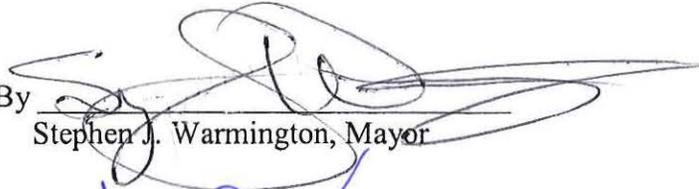
WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

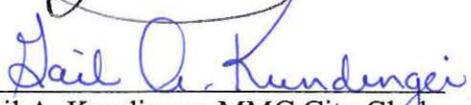
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the purchase of the currently City owned property for \$135,000, which is located at 265 Walton. After obtained the structure Mr. Johnnie Tanner will used the structure as a single family owner-occupied home for the duration of his agreed upon affordability period. Unless he decides to break his agreement which will then cause the City to be compensated its subsidy on a prorated basis.

Adopted this 25th day of October, 2005

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

Nays: None

By 
Stephen J. Warmington, Mayor

By 
Gail A. Kundinger, MMC City Clerk

CERTIFICATION
2005-99(c)

This resolution was adopted at a regular meeting of the City Commission, held on October 25, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By: Gail A. Kundinger
Gail A. Kundinger, MMC
City Clerk

Commission Meeting Date: October 25, 2005

no action

Date: October 18, 2005
To: Honorable Mayor and City Commissioners
From: Community and Neighborhood Services
RE: Approval of Quit Claim for the purchase of the City-owned house at 510 Creston St.

SUMMARY OF REQUEST: To approve the attached resolution and quit-claim for the sale of the home at 510 Creston (City of Muskegon Urban Plat No 2 Lot 349) entitled Operation "Crest to Success." The property is being sold to Tiosha Wyrick for the price of \$67,000 with a subsidy of \$14,000. Operation: "Crest to Success" is another fine example of the City of Muskegon's continuous efforts to renovate and upgrade its existing housing stock and revitalize its neighborhoods.

FINANCIAL IMPACT: The City will receive approximately \$53,000 in program income.

BUDGET ACTION REQUIRED: None

STAFF RECCOMENDATION: To approve the resolution and direct Mayor and City Clerk to sign Quit Claim.



510 Creston St.

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO Tiosha Wyrick of 1252 Adams, Muskegon, Michigan 49444,

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

City of Muskegon Urban Plat no.2 Lot 349

for the sum of Sixty Seven Thousand and no/100 Dollars (\$ 67,000.00)

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

Dated this ____ day of _____, 200__.

CITY OF MUSKEGON

By _____
Stephen J. Warmington, Mayor

and _____
Gail A. Kunding, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this ____ day of _____, 200__, by Stephen J. Warmington and Gail A. Kunding, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621

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

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE SALE OF
CURRENTLY CITY OWNED PROPERTY AT 510 CRESTON

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the purchase of the currently City owned property for \$67,000 which is located at 510 Creston. After obtained the structure Ms. Tiosha Wyrick will used the structure as a single family owner-occupied home for the duration of her agreed upon affordability period. Unless she decides to break her agreement which will then cause the City to be compensated its subsidy on a prorated basis.

Adopted this 23rd day of October, 2005.

Ayes:

Nays:

By _____
Stephen J. Warmington, Mayor

By _____
Gail A. Kundinger, MMC City Clerk

AM_Resolution

Commission Meeting Date: October 25, 2005

Date: October 18, 2005
To: Honorable Mayor and City Commissioners
From: Community and Neighborhood Services
RE: Approval of sale of Infill home at 747 Marcoux

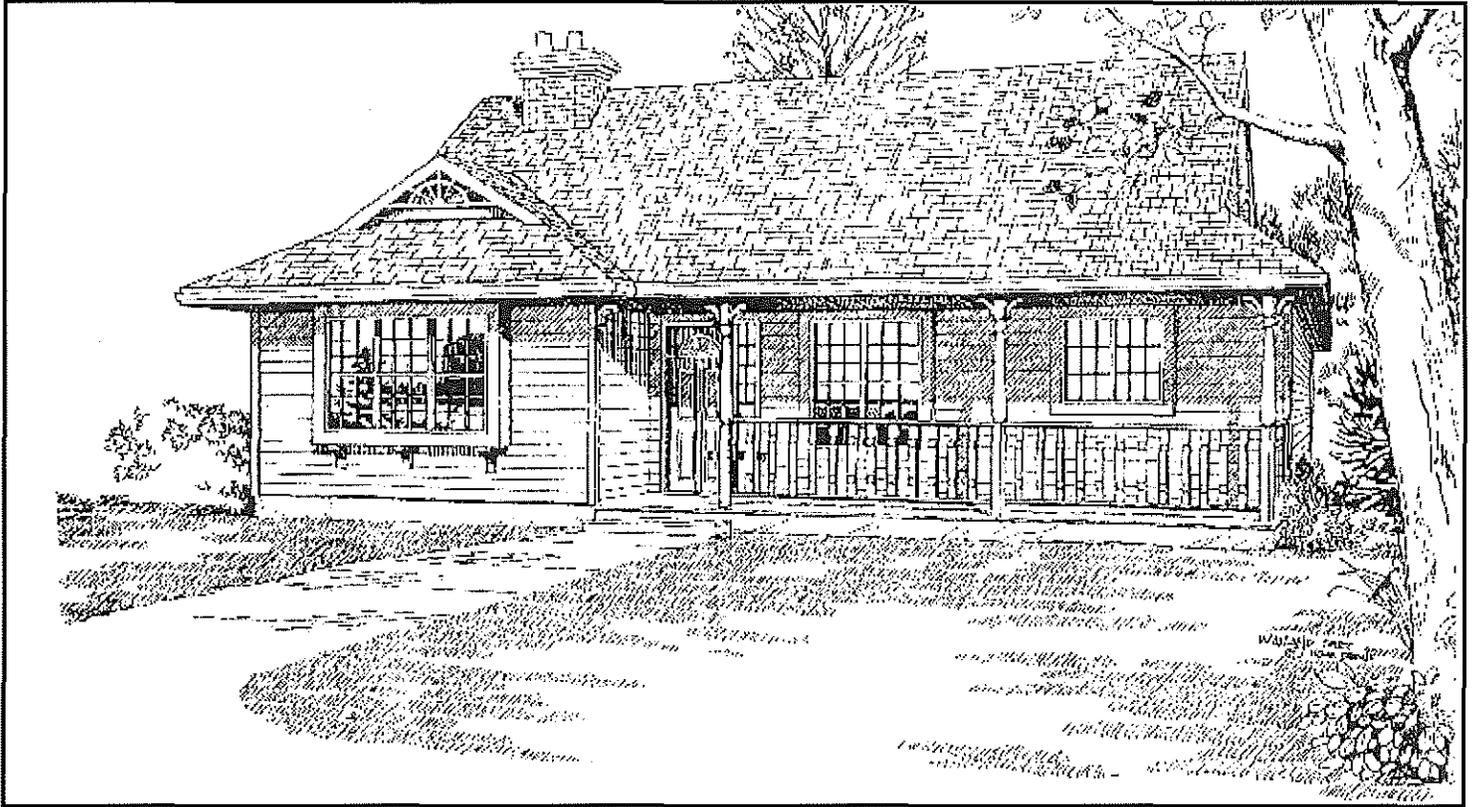
SUMMARY OF REQUEST: To approve the attached resolution and instruct the Mayor and City Clerk to sign Quit Claim, and directing the Community and Neighborhood Services office to complete the purchase between Ms. Shavonda Johnson and the City of Muskegon for the property located at 747 Marcoux. Ms. Johnson's purchase price is \$118,821 with a subsidy of \$38,921.

The house at 747 Marcoux is the last of the former Turn-Key 3 sites that were demolished as a part of the City's blight fight efforts. The new home is another example of the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The program income derived from this sale will be used for future HOME activities.

BUDGET ACTION REQUIRED: None

STAFF RECCOMENDATION: To approve the resolution and the sale of 747 Marcoux to Ms. Johnson.



747 Marcoux Ave.

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO Shavonda G. Johnson of 545 Margaret Apt. D, Muskegon, Michigan 49442,

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

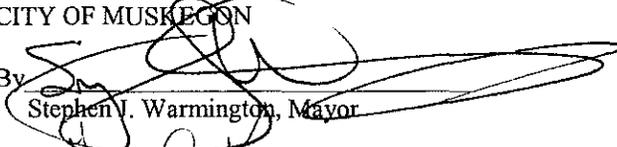
City of Muskegon Marcoux Sub Div of Block 38 Lots 7&8 Block 2

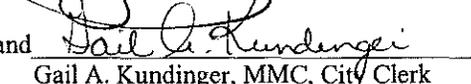
for the sum of One Hundred and Eighteen Thousand Eight Hundred Twenty One and no/100 Dollars (\$ 118,821.00)

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

Dated this 28th day of October, 2005.

CITY OF MUSKEGON

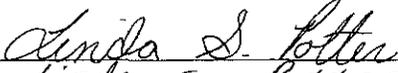
By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunderger, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of October, 2005, by Stephen J. Warmington and Gail A. Kunderger, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621


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

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

2005-99(e)
MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE SALE OF
CURRENTLY CITY OWNED PROPERTY AT 747 Marcoux

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

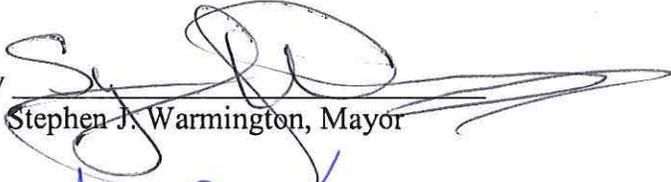
WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

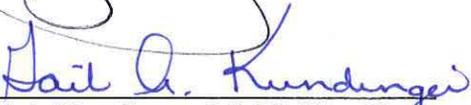
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the purchase of the currently City owned property for \$118,821 which is located at 747 Marcoux. After obtained the structure Ms. Shavonda Johnson will used the structure as a single family owner-occupied home for the duration of her agreed upon affordability period. Unless she decides to break her agreement which will then cause the City to be compensated its subsidy on a prorated basis.

Adopted this 25th day of October, 2005

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

Nays: None

By 
Stephen J. Warmington, Mayor

By 
Gail A. Kunding, MMC City Clerk

CERTIFICATION
2005-99(e)

This resolution was adopted at a regular meeting of the City Commission, held on October 25, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

Date: 10/25/05

To: Honorable Mayor and City Commission

From: DPW

RE: Budgeted Vehicle Purchases

SUMMARY OF REQUEST: Approval to purchase six Taurus sedans from Great Lakes Ford.

FINANCIAL IMPACT: Total Cost \$71,808.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

Memorandum

To: Honorable Mayor and City Commissioners
From: DPW
Date: 10/25/05
Re: Vehicle Replacement

The Equipment Division has scheduled the replacement of the five detective sedans in 2006. The vehicles that we will be replacing are 1998 Malibus used by the police department and also replacing one of the 1997 Taurus which is being used for out of town trips and as budgeted in 2005.

Ford Motor Company has announced a price increase of \$1,000-\$1,500 on all passenger cars ordered after November 15, 2006. We would like to order these vehicles before the deadline and take delivery after the first of the year. I have requested prices from area dealers as well as the statewide purchasing contract. Attached is a summary of the bids.

In accordance with established purchasing policy, I am requesting permission to purchase six Taurus sedans from Great Lakes Ford.

Equipment Purchase - 2006

	<u>Macomb County</u>	<u>Great Lakes Ford</u>	<u>State of Michigan</u>	<u>Tony Betten</u>
	<u>3942 W. Lansing</u>	<u>2469 E. Apple Ave</u>	<u>7148 W 48th</u>	<u>3839 Plainfield NE</u>
<u>Type of Vehicle</u>	<u>Perry Mi 48872</u>	<u>Muskegon Mi 49442</u>	<u>Woodhaven Mi</u>	<u>Grand Rapids Mi 49525</u>
2006 4-Door Taurus, each	\$13,670.00	\$11,968.00	\$12,880.00	\$12,774.65
total purchase of 6- sedans	\$82,020.00	<u>\$71,808.00</u>	\$77,280.00	\$76,647.90

CITY COMMISSION AGENDA ITEM

To: Mayor Warmington and City Commissioners
From: Leisure Services Department through the City Manager
Date: October 25, 2005
Re: Hartshorn Marina Renovation Project – Bids Award

SUMMARY STATEMENT:

Due to an irregularity in the bid document, and per consultation with and recommendation from the State of Michigan Department of Natural Resources (DNR), it is recommended that the Commission reject both bids and re-bid the project.

FINANCIAL IMPACT:

Funding source for this project is a \$1 Million grant from the DNR with an equivalent \$1 Million match from the City of Muskegon.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To re-bid the project.

MEMORANDUM

To: Mayor and City Commissioners
From: Leisure Services Dept. through the City Manager
Date: October 25, 2005
Re: Hartshorn Marina Phase III Renovation Project

The city recently solicited bids for improvements to Hartshorn Marina. A base project bid and bids for three alternates were requested. Two bidders responded and a several other firms indicated that the time frame for responding was inadequate for them to formulate a bid.

Of the bids received, Hardman Construction was the low bidder on the base bid and Great Lakes was low bidder on the three alternates. Upon review of the bids, it became apparent that certain language included in the bid documents was problematic:

The Award of Contract will be based solely upon the lowest base bid Proposal Sum submitted be[sic] a responsive and responsible Bidder in accordance with these documents. The City Reserves the right to select any of the Bid Alternates submitted by the lowest responsible bidder that are deemed in the best interest of the City.

The language is somewhat ambiguous but essentially requires selection of the low base bidder (Hardman) even on alternates where they are not the low bid. This was not the city's intent. Typically, alternate bids are judged independent of one another so that the city can select the most cost-effective option.

This project has proceeded on a rushed schedule in an effort to have work completed prior to the start of the 2006 boating season. The process was impeded by several obstacles and delays including a new requirement for Waterways Commission approval of the dock mechanism. In retrospect, the hurried nature of the project led to the bid document problem.

Staff requested guidance from the state on this issue and is informed that "the City should not award the contract, citing errors in the bidding document". The state further notes that the City's best option is to solicit new bids on the project.

After consultation with the consulting engineer, staff concurs with the state's position. A rebid will cause the project to interfere somewhat with the start of the boating season. On the other hand, we may well get more qualified bidders to submit and we will avoid disputes that likely would emerge with the current bids and that could jeopardize the state grant. The city attorney advises that the city is within its right to re-solicit bids for this project.

Thank you.

CITY OF MUSKEGON
HARTSHORN MARINA RENOVATION PROJECT – PHASE III
BID TABULATION SHEET
FRIDAY, OCTOBER 21, 2005
2:00 P.M.

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BASE BID</u>	<u>ALTERNATE "A"</u>	<u>ALTERNATE "B"</u>	<u>ALTERNATE "C"</u>
Hardman	Ludington	\$988,000	\$1,025,400	\$961,340	\$983,240
Great Lakes	Muskegon	\$997,870	\$1,025,320	\$958,350	\$982,900

ABONMARCHE CONSULTANTS, INC.

BID TABULATION REPORT

City of Muskegon Harshorn Marina Renovations - Phase III Base Bid				Engineer's Estimate		Hardman Construction		Great Lakes Dock & Dredge	
Item	Description	Qty.	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	LSUM	\$ 100,000.00	\$ 100,000.00	\$ 105,000.00	\$ 105,000.00	\$ 16,400.00	\$ 16,400.00
2	Removals	1	LSUM	\$ 150,000.00	\$ 150,000.00	\$ 210,000.00	\$ 210,000.00	\$ 187,000.00	\$ 187,000.00
3	Fixed Docks, 30' (wood decking)	25	EA	\$ 5,500.00	\$ 137,500.00	\$ 5,300.00	\$ 132,500.00	\$ 6,200.00	\$ 155,000.00
4	Fixed Docks, 38' (wood decking)	1	EA	\$ 7,600.00	\$ 7,600.00	\$ 5,800.00	\$ 5,800.00	\$ 7,800.00	\$ 7,800.00
5	Fixed Docks, 60' (wood decking)	1	EA	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 13,200.00	\$ 13,200.00
6	Fixed Docks, 30' ADA Accessible (wood decking)	2	EA	\$ 6,500.00	\$ 13,000.00	\$ 6,500.00	\$ 13,000.00	\$ 6,800.00	\$ 13,600.00
7	Fixed Docks, 38' ADA Accessible (wood decking)	1	EA	\$ 8,600.00	\$ 8,600.00	\$ 7,500.00	\$ 7,500.00	\$ 9,700.00	\$ 9,700.00
8	Fixed Docks, 60' ADA Accessible (wood decking)	1	EA	\$ 16,000.00	\$ 16,000.00	\$ 14,000.00	\$ 14,000.00	\$ 13,000.00	\$ 13,000.00
9	Dock Piles, 10" dia., wood	198	EA	\$ 1,500.00	\$ 297,000.00	\$ 680.00	\$ 134,640.00	\$ 975.00	\$ 193,050.00
10	Spring Piles, 10" dia., wood	36	EA	\$ 1,500.00	\$ 54,000.00	\$ 750.00	\$ 27,000.00	\$ 1,000.00	\$ 36,000.00
11	Steel Sheet Piling	396	LFT	\$ 500.00	\$ 198,000.00	\$ 235.00	\$ 93,060.00	\$ 380.00	\$ 150,480.00
12	Steel Piles, 10" dia.	72	EA	\$ 2,000.00	\$ 144,000.00	\$ 1,955.00	\$ 140,760.00	\$ 1,625.00	\$ 117,000.00
13	Rip-Rap Toe Protection	132	CYD	\$ 100.00	\$ 13,200.00	\$ 70.00	\$ 9,240.00	\$ 120.00	\$ 15,840.00
14	Navigational Lights	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 6,000.00	\$ 12,000.00	\$ 2,400.00	\$ 4,800.00
15	Access Gangway, 18"	1	EA	\$ 10,000.00	\$ 10,000.00	\$ 7,000.00	\$ 7,000.00	\$ 9,500.00	\$ 9,500.00
16	Electrical Modifications	1	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 11,500.00	\$ 11,500.00	\$ 3,500.00	\$ 3,500.00
17	Ice Suppression System	1	LSUM	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 52,000.00	\$ 52,000.00
	TOTAL				\$ 1,253,900.00		\$ 988,000.00		\$ 997,870.00

ABONMARCHE CONSULTANTS, INC.

BID TABULATION REPORT

City of Muskegon Hartshorn Marina Renovations - Phase III Alternate "A"				Engineer's Estimate		Hardman Construction		Great Lakes Dock & Dredge	
Item	Description	Qty.	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	LSUM	\$ 100,000.00	\$ 100,000.00	\$ 105,000.00	\$ 105,000.00	\$ 16,400.00	\$ 16,400.00
2	Removals	1	LSUM	\$ 150,000.00	\$ 150,000.00	\$ 210,000.00	\$ 210,000.00	\$ 187,000.00	\$ 187,000.00
3	Fixed Docks, 30' (composite decking)	25	EA	\$ 6,500.00	\$ 162,500.00	\$ 6,500.00	\$ 162,500.00	\$ 6,700.00	\$ 167,500.00
4	Fixed Docks, 38' (composite decking)	1	EA	\$ 8,600.00	\$ 8,600.00	\$ 6,700.00	\$ 6,700.00	\$ 10,250.00	\$ 10,250.00
5	Fixed Docks, 60' (composite decking)	1	EA	\$ 16,000.00	\$ 16,000.00	\$ 17,000.00	\$ 17,000.00	\$ 16,500.00	\$ 16,500.00
6	Fixed Docks, 30' ADA Accessible (composite decking)	2	EA	\$ 7,500.00	\$ 15,000.00	\$ 7,600.00	\$ 15,200.00	\$ 8,500.00	\$ 17,000.00
7	Fixed Docks, 38' ADA Accessible (composite decking)	1	EA	\$ 9,600.00	\$ 9,600.00	\$ 8,600.00	\$ 8,600.00	\$ 12,000.00	\$ 12,000.00
8	Fixed Docks, 60' ADA Accessible (composite decking)	1	EA	\$ 17,000.00	\$ 17,000.00	\$ 15,200.00	\$ 15,200.00	\$ 16,500.00	\$ 16,500.00
9	Dock Piles, 10" dia., wood	198	EA	\$ 1,500.00	\$ 297,000.00	\$ 680.00	\$ 134,640.00	\$ 975.00	\$ 193,050.00
10	Spring Piles, 10" dia., wood	36	EA	\$ 1,500.00	\$ 54,000.00	\$ 750.00	\$ 27,000.00	\$ 1,000.00	\$ 36,000.00
11	Steel Sheet Piling	396	LFT	\$ 500.00	\$ 198,000.00	\$ 235.00	\$ 93,060.00	\$ 380.00	\$ 150,480.00
12	Steel Piles, 10" dia.	72	EA	\$ 2,000.00	\$ 144,000.00	\$ 1,955.00	\$ 140,760.00	\$ 1,625.00	\$ 117,000.00
13	Rip-Rap Toe Protection	132	CYD	\$ 100.00	\$ 5,000.00	\$ 70.00	\$ 9,240.00	\$ 120.00	\$ 15,840.00
14	Navigational Lights	2	EA	\$ 2,500.00	\$ 10,000.00	\$ 6,000.00	\$ 12,000.00	\$ 2,400.00	\$ 4,800.00
15	Access Gangway, 18"	1	EA	\$ 10,000.00	\$ 10,000.00	\$ 7,000.00	\$ 7,000.00	\$ 9,500.00	\$ 9,500.00
16	Electrical Modifications	1	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 11,500.00	\$ 11,500.00	\$ 3,500.00	\$ 3,500.00
17	Ice Suppression System	1	LSUM	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 52,000.00	\$ 52,000.00
TOTAL					\$ 1,281,700.00		\$ 1,025,400.00		\$ 1,025,320.00

ABONMARCHE CONSULTANTS, INC.

BID TABULATION REPORT

City of Muskegon Hartshorn Marina Renovations - Phase III Alternate "B"				Engineer's Estimate		Hardman Construction		Great Lakes Dock & Dredge	
Item	Description	Qty.	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	LSUM	\$ 100,000.00	\$ 100,000.00	\$ 105,000.00	\$ 105,000.00	\$ 16,400.00	\$ 16,400.00
2	Removals	1	LSUM	\$ 150,000.00	\$ 150,000.00	\$ 210,000.00	\$ 210,000.00	\$ 187,000.00	\$ 187,000.00
3	Fixed Docks, 30' (wood decking)	25	EA	\$ 5,500.00	\$ 137,500.00	\$ 5,800.00	\$ 145,000.00	\$ 6,700.00	\$ 167,500.00
4	Fixed Docks, 38' (wood decking)	1	EA	\$ 7,600.00	\$ 7,600.00	\$ 6,300.00	\$ 6,300.00	\$ 9,400.00	\$ 9,400.00
5	Fixed Docks, 60' (wood decking)	1	EA	\$ 15,000.00	\$ 15,000.00	\$ 15,500.00	\$ 15,500.00	\$ 14,600.00	\$ 14,600.00
6	Fixed Docks, 30' ADA Accessible (wood decking)	2	EA	\$ 6,500.00	\$ 13,000.00	\$ 7,000.00	\$ 14,000.00	\$ 7,600.00	\$ 15,200.00
7	Fixed Docks, 38' ADA Accessible (wood decking)	1	EA	\$ 8,600.00	\$ 8,600.00	\$ 8,000.00	\$ 8,000.00	\$ 11,250.00	\$ 11,250.00
8	Fixed Docks, 60' ADA Accessible (wood decking)	1	EA	\$ 16,000.00	\$ 16,000.00	\$ 14,500.00	\$ 14,500.00	\$ 14,600.00	\$ 14,600.00
9	Dock Piles, 10" dia., wood	136	EA	\$ 1,500.00	\$ 204,000.00	\$ 680.00	\$ 92,480.00	\$ 980.00	\$ 133,280.00
10	Spring Piles, 10" dia., wood	36	EA	\$ 1,500.00	\$ 54,000.00	\$ 750.00	\$ 27,000.00	\$ 1,000.00	\$ 36,000.00
11	Steel Sheet Piling	396	LFT	\$ 500.00	\$ 198,000.00	\$ 235.00	\$ 93,060.00	\$ 380.00	\$ 150,480.00
12	Steel Piles, 10" dia.	72	EA	\$ 2,000.00	\$ 144,000.00	\$ 1,955.00	\$ 140,760.00	\$ 1,625.00	\$ 117,000.00
13	Rip-Rap Toe Protection	132	CYD	\$ 100.00	\$ 5,000.00	\$ 70.00	\$ 9,240.00	\$ 120.00	\$ 15,840.00
14	Navigational Lights	2	EA	\$ 2,500.00	\$ 10,000.00	\$ 6,000.00	\$ 12,000.00	\$ 2,400.00	\$ 4,800.00
15	Access Gangway, 18"	1	EA	\$ 10,000.00	\$ 10,000.00	\$ 7,000.00	\$ 7,000.00	\$ 9,500.00	\$ 9,500.00
16	Electrical Modifications	1	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 11,500.00	\$ 11,500.00	\$ 3,500.00	\$ 3,500.00
17	Ice Suppression System	1	LSUM	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 52,000.00	\$ 52,000.00
	TOTAL				\$ 1,157,700.00		\$ 961,340.00		\$ 958,350.00

ABONMARCHE CONSULTANTS, INC.

BID TABULATION REPORT

City of Muskegon Hartshorn Marina Renovations - Phase III Alternate "C"				Engineer's Estimate		Hardman Construction		Great Lakes Dock & Dredge	
Item	Description	Qty.	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	LSUM	\$ 100,000.00	\$ 100,000.00	\$ 105,000.00	\$ 105,000.00	\$ 16,400.00	\$ 16,400.00
2	Removals	1	LSUM	\$ 150,000.00	\$ 150,000.00	\$ 210,000.00	\$ 210,000.00	\$ 187,000.00	\$ 187,000.00
3	Fixed Docks, 30' (composite decking)	25	EA	\$ 6,500.00	\$ 162,500.00	\$ 6,500.00	\$ 162,500.00	\$ 7,100.00	\$ 177,500.00
4	Fixed Docks, 38' (composite decking)	1	EA	\$ 8,600.00	\$ 8,600.00	\$ 6,700.00	\$ 6,700.00	\$ 11,700.00	\$ 11,700.00
5	Fixed Docks, 60' (composite decking)	1	EA	\$ 16,000.00	\$ 16,000.00	\$ 17,000.00	\$ 17,000.00	\$ 18,000.00	\$ 18,000.00
6	Fixed Docks, 30' ADA Accessible (composite decking)	2	EA	\$ 7,500.00	\$ 15,000.00	\$ 7,600.00	\$ 15,200.00	\$ 9,200.00	\$ 18,400.00
7	Fixed Docks, 38' ADA Accessible (composite decking)	1	EA	\$ 9,600.00	\$ 9,600.00	\$ 8,600.00	\$ 8,600.00	\$ 13,500.00	\$ 13,500.00
8	Fixed Docks, 60' ADA Accessible (composite decking)	1	EA	\$ 17,000.00	\$ 17,000.00	\$ 15,200.00	\$ 15,200.00	\$ 18,000.00	\$ 18,000.00
9	Dock Piles, 10" dia., wood	136	EA	\$ 1,500.00	\$ 204,000.00	\$ 680.00	\$ 92,480.00	\$ 980.00	\$ 133,280.00
10	Spring Piles, 10" dia., wood	36	EA	\$ 1,500.00	\$ 54,000.00	\$ 750.00	\$ 27,000.00	\$ 1,000.00	\$ 36,000.00
11	Steel Sheet Piling	396	LFT	\$ 500.00	\$ 198,000.00	\$ 235.00	\$ 93,060.00	\$ 380.00	\$ 150,480.00
12	Steel Piles, 10" dia.	72	EA	\$ 2,000.00	\$ 144,000.00	\$ 1,955.00	\$ 140,760.00	\$ 1,625.00	\$ 117,000.00
13	Rip-Rap Toe Protection	132	CYD	\$ 100.00	\$ 5,000.00	\$ 70.00	\$ 9,240.00	\$ 120.00	\$ 15,840.00
14	Navigational Lights	2	EA	\$ 2,500.00	\$ 10,000.00	\$ 6,000.00	\$ 12,000.00	\$ 2,400.00	\$ 4,800.00
15	Access Gangway, 18"	1	EA	\$ 10,000.00	\$ 10,000.00	\$ 7,000.00	\$ 7,000.00	\$ 9,500.00	\$ 9,500.00
16	Electrical Modifications	1	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 11,500.00	\$ 11,500.00	\$ 3,500.00	\$ 3,500.00
17	Ice Suppression System	1	LSUM	\$ 75,000.00	\$ 75,000.00	\$ 50,000.00	\$ 50,000.00	\$ 52,000.00	\$ 52,000.00
TOTAL					\$ 1,188,700.00		\$ 983,240.00		\$ 982,900.00

City Commission Agenda Item

Changed

To: Mayor Warmington and City Commissioners
From: Leisure Services Department
Date: October 18, 2005
Re: Hartshorn Marina Renovation Project – Bids Received.

SUMMARY OF REQUEST:

The City requested bids for the Hartshorn Marina \$1.5 Million Renovation Project. Mandatory Pre-bid meeting was held on Monday, October 17, 2005. Bids are due and will be opened at 2:00 p.m. on Friday, October 21, 2005. As the Commission was advised, bid results will be tallied and provided to the Commission at the Commission meeting on Tuesday, October 25, 2005. Where necessary, a revised copy of this agenda page will be presented at the meeting.

FINANCIAL IMPACT:

The project funding source is a \$1 Million grant from the State of Michigan Department of Natural Resources (DNR) with an equivalent City of Muskegon match of \$1 Million dollar. The project estimated cost is \$1.5 Million. The remaining half million dollar (\$500,000) is expected to be used towards other marina related enhancements.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the lowest responsible/qualified bidder. That bid is to be determined per bid review on Friday.

COMMITTEE RECOMMENDATION:

None.

CITY COMMISSION MEETING
Tuesday, October 25, 2005

TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker
DATE: October 15, 2005
SUBJECT: Selection of Architect-Central Fire Station

SUMMARY OF REQUEST:

Proposals have been accepted for the design of a new Central Fire Station. Ten (10) proposals were received. These proposals were reviewed by the Project Team consisting of Mr. Bryon Mazade, Mr. Tim Paul, Deputy Director Mark Kincaid and me. Generally, we evaluated the firms' experience and background in the design of fire stations, their ability to work with staff as part of a team, their vision for our station and their initial cost estimate.

Based upon our review, we are recommending that the following two (2) firms be selected as the architects for this project:

- (1) Hooker DeJong of Muskegon, Michigan
- (2) Cole & Russell Architects of Cincinnati, Ohio

Hooker DeJong is an established downtown business that has been involved in numerous projects throughout our community. They are keenly aware of the importance of our downtown development and have an established relationship with city staff.

Cole & Russell have been involved in the design of over 60 fire facilities throughout the country. Their proposal included examples of the most cost-efficient use of space, energy-efficient design methods and built-in training features. While staff from Cole & Russell will be directly involved in the design process, they are also experienced in working with local architectural firms.

Both firms have agreed to serve as co-architects on this project.

FINANICAL IMPACT:

The proposed fee for this project, subject to negotiation, is 7% of construction costs. This fee will be split between the two firms, per an agreement to be reached by them.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Approval of this request.

DESIGN PROPOSALS
Central Fire Station

The following are the design proposals that were received in regards to our Request For Proposals.

1. Hooker DeJong
410 Terrace Plaza
Muskegon, Michigan 49440
Cost Estimate: 4.49% of construction costs.
2. Cole & Russell Architects
537 East Pete Rose Way
Cincinnati, Ohio 45202
Cost Estimate: 7% of construction costs.
3. Clifford Buck Construction Company
500 Irwin Avenue
Muskegon, Michigan
Cost Estimate: 8.5% of construction costs (including construction management)
4. Sidock Group
888 Terrace Street
Muskegon, Michigan 49440
Cost Estimate: 5% of construction costs.
5. Thompson Architectural Services
2446 West Glenlord Road
Stevensville, Michigan 49127
Cost Estimate: 8-9% of construction costs.
6. Dimensions in Architecture
1145 East Drost Road
Muskegon, Michigan 49445
Cost Estimate: \$94,200.00
7. SDA Architects
2201 Twelve Mile Road
Warren, Michigan 48092
Cost Estimate: 5.75-7.00% of construction costs.
8. The Design Forum
124 East Fulton
Grand Rapids, Michigan 49503
Cost Estimate: 5.2% of construction costs.

9. Redstone Architects
29201 Telegraph Road
Southfield, Michigan 48034
Cost Estimate: \$298,000

10. Tower Pinkster Titus Associates
1000 South Burdick
Kalamazoo, Michigan 49001
Cost Estimate: \$192,440

CITY COMMISSION MEETING
Tuesday, October 25, 2005

TO: Honorable Mayor and City Commissioners

FROM: Mark Kincaid
Deputy Director of Public Safety

DATE: October 21, 2005

SUBJECT: Update on properties tabled by the Commission

The following properties were brought before the commission on September 27, 2005 for approval of demolition. Commission action tabled the decision on these properties for thirty days. Here is an update of where we stand with these three properties:

291 Washington – Building permit issued October 5, 2005 with stipulation that all exterior work be done by November 15, 2005. Permit expires January 5, 2006.

765/769 Washington – The confusion about the address of this property arises from the county assessors parcel listing. The parcel listing shows the address as 769 Washington. At some time a second house was built on the property, but the county assessors parcel was never changed. This second house is 765 Washington and is the house on our Dangerous Buildings List. Our files have been updated with this information. We have had no owner contact and no permits have been issued.

557 W. Clay – The owner, Mr. S. Sieradzki has taken the case to the Michigan Court of Appeals. We must wait for their decision.

Firmative Action

1/724-6703
AX/722-1214

Assessor

1/724-6708
AX/726-5181

Cemetery

1/724-6783
AX/726-5617

Civil Service

1/724-6716
AX/724-4405

Clerk

1/724-6705
AX/724-4178

Comm. & Neigh.

Services
31/724-6717
AX/726-2501

Engineering

31/724-6707
AX/727-6904

Finance

31/724-6713
AX/724-6768

Fire Dept.

31/724-6792
AX/724-6985

Income Tax

31/724-6770
AX/724-6768

Info. Systems

31/724-6744
AX/722-4301

Leisure Service

31/724-6704
AX/724-1196

Manager's Office

31/724-6724
AX/722-1214

Mayor's Office

31/724-6701
AX/722-1214

Neigh. & Const.

Services
31/724-6715
AX/726-2501

Planning/Zoning

31/724-6702
AX/724-6790

Police Dept.

231/724-6750
AX/722-5140

Public Works

231/724-4100
AX/722-4188

Treasurer

231/724-6720
AX/724-6768

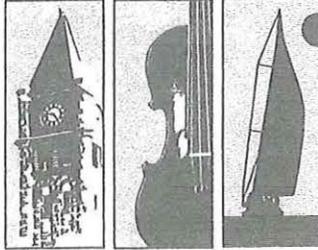
Water Billing Dept.

231/724-6718
AX/724-6768

Water Filtration

231/724-4106
AX/755-5290

MUSKEGON



West Michigan's Shoreline City

October 6, 2005

Lyle Day
989 Duck Lake Rd
Whitehall, MI 49461

Dear Lyle:

Please be advised that your Family and Medical Leave leave of absence expires on October 10, 2005.

At the September 27, 2005, City Commission meeting, the Commission granted you an unpaid sick leave extension of six months. According to information from the Finance Office, once your unpaid sick leave extension leave begins, your benefits—including all insurances—will terminate.

Following termination of your benefits, the City offers the option to purchase your medical coverage for a monthly premium payment, as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), with information sent under separate cover.

Additionally, one hundred sixty (160) 2005 vacation hours remain available to you. Section 24.5 of the SEIU 517M Unit 2 D.P.W. contract requires using this vacation time during the calendar year following the year in which the time was earned (2004). If you fail to utilize this time in 2005, you may lose the entire 160 benefit hours.

If it is your intention to use your vacation hours beginning on October 11, 2005, please immediately notify your department supervisor or superintendent as well as the Finance Office. (You may contact the Finance Office at (231) 724-6713.) In the event you elect to take no action, please note that your unpaid leave will begin on October 11, 2005 and extend until April 10, 2006.

Yours truly,

Karen A. Scholle
Civil Service Personnel Director

cc: M. Al-Shatel
B. Lewis
L. Slaughter