

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 27, 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. Liquor License Transfer of Ownership Request – City Café. CITY CLERK
 - C. Liquor License Request for Outdoor Service – Linne Lodge #57. CITY CLERK
 - D. Rezoning Request for Properties Located at 3800 Bluff and 1260 Browne Streets. PLANNING & ECONOMIC DEVELOPMENT
 - E. Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT
 - F. Zoning Ordinance Amendment to the Zoning Ordinance Language for Creation and Membership (Zoning Board of Appeals). PLANNING & ECONOMIC DEVELOPMENT
 - G. Budgeted GPS Purchase. PUBLIC WORKS
 - H. Fuel Sales. PUBLIC WORKS
 - I. Request for Encroachment Agreement by Muskegon Masonic Temple Association. ENGINEERING
 - J. Request for Encroachment Agreement on Jefferson and Clay. ENGINEERING
 - K. Softball World Contract Extension with Muskegon Township. ASSISTANT CITY MANAGER

- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:

A. Sister City – Antalya, Turkey. MAYOR

B. Intergovernmental Cooperation Agreement with Muskegon County for Mail Processing Services. CITY CLERK & FINANCE

C. Agreement for School Resource Officer-Muskegon Public Schools. PUBLIC SAFETY

D. Towing Service and Storage of Impounded Vehicles. PUBLIC SAFETY

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

1516 Hoyt Street

350 Allen – Area 11

291 Washington – Area 10b

769 Washington – Area 12

- ❑ 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: September 27, 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 September 12th Community Relations Committee Meeting and the Commission Worksession, the September 13th Regular Commission Meeting, and the September 15th Special Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 27, 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, September 27, 2005.

Mayor Warmington opened the meeting with a prayer from Commissioner Clara Shepherd 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 Stephen Gawron, Clara Shepherd, Lawrence Spataro, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2005-88 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the September 12th Community Relations Committee Meeting and the Commission Worksession, the September 13th Regular Commission Meeting, and the September 15th Special Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Transfer of Ownership Request – City Café. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Lordache Holdings, Inc. to transfer ownership of the 2005 Class C licensed business with Dance-Entertainment permit from Ashley-Chandler, Ltd. and PKT Twelve, Inc. (Co-licensees).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

C. Liquor License Request for Outdoor Service – Linne Lodge #57. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Linne Lodge #57, Independent Order of Vikings to add a New Outdoor Services (1 area) to be held in conjunction with their 2005 Club licensed business with Dance Permit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

D. Rezoning Request for Properties Located at 3800 Bluff and 1260 Browne Streets. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone properties located at 3800 Bluff and 1260 Browne Streets, from R-1, Single Family Residential to OSR, Open Space Recreation.

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 September 15th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

E. Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to amend the definitions for "Hotel" and "Motel".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the definitions for "Hotel" and "Motel".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their September 15th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

I. Request for Encroachment Agreement by Muskegon Masonic Temple Association. ENGINEERING

SUMMARY OF REQUEST: Muskegon Masonic Temple has requested your permission to upgrade the existing awning at the entrance of the building. The awning will follow the same footprints as the existing awning (built in 1972) and

be installed by Muskegon Awning. The new awning will extend over the sidewalk at 396 W. Clay Avenue.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

J. Request for Encroachment Agreement on Jefferson and Clay.
ENGINEERING

SUMMARY OF REQUEST: Volunteer Muskegon has requested your permission to place three (3) planters along Jefferson/Clay area closest to their office at 880 Jefferson. The planters would be about three feet in diameter similar to those along Lakeshore Drive. This request is unusual in the respect that it is for ten (10) years instead of the standard five (5) years.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

K. Softball World Contract Extension with Muskegon Township. ASSISTANT
CITY MANAGER

SUMMARY OF REQUEST: The City Leisure Services Department has a contract with Muskegon Township for the use of Softball World. The contract expires on November 1, 2005. Due to the need to complete a thorough assessment of the continuation of the Softball Program, a one-year extension of the contract was requested and granted by Muskegon Township. Staff is requesting official authorization by the Commission to allow the Mayor and Clerk to sign the one-year extension.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the Mayor and Clerk to sign the one-year extension of the Contract with Muskegon Township for the use of Softball World.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda as read minus items F, G, and H.

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

Nays: None

MOTION PASSES

2005-89 ITEMS REMOVED FROM THE CONSENT AGENDA:

F. Zoning Ordinance Amendment to the Zoning Ordinance Language for Creation and Membership (Zoning Board of Appeals). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2501 (Creation and Membership) of Article XXV, Zoning Board of Appeals to mirror the State of Michigan Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the "Creation and Membership" language to mirror the State of Michigan Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their September 15th meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

Motion by Commissioner Davis, second by Commissioner Carter to approve the zoning ordinance amendment to the zoning ordinance language for creation and membership of the Zoning Board of Appeals.

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

Nays: None

MOTION PASSES

G. Budgeted GPS Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase 20 GPS receivers and components from Advanced Tracking Technologies.

FINANCIAL IMPACT: Cost \$26,945.85

BUDGET ACTION REQUIRED: None. There is \$32,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the budgeted GPS purchase.

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

Nays: None

MOTION PASSES

H. Fuel Sales. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to waive the 15% administrative fee on outside fuel sales to Muskegon Public Schools.

FINANCIAL IMPACT: \$5,000 in revenue depending on fuel consumption.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve waiving administrative fee.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the waiver of the 15% administrative fee on outside fuel sales to Muskegon Public Schools.

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

Nays: None

MOTION PASSES

2005-90 NEW BUSINESS:

A. Sister City – Antalya, Turkey. MAYOR

SUMMARY OF REQUEST: To establish a Sister City relationship with Antalya, Turkey. The relationship will provide an opportunity for a cultural exchange between the two cities.

FINANCIAL IMPACT: Minimal expenses expected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve establishing a Sister Cities relationship with Antalya, Turkey.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the Sister City relationship with Antalya, Turkey.

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

Nays: None

MOTION PASSES

B. Intergovernmental Cooperation Agreement with Muskegon County for Mail Processing Services. CITY CLERK & FINANCE

SUMMARY OF REQUEST: Postal regulations and equipment requirements are constantly changing. The City is currently faced with the requirement to replace its postage metering equipment by the end of 2006. We have looked at several alternatives for meeting our future mailing needs including purchase/lease of new equipment and outsourcing mail processing. Staff has concluded that the most cost-effective option is to enter into the intergovernmental cooperation

agreement with Muskegon County for this purpose. Under the agreement, the City will pay \$0.06 for each piece of mail processed (in addition to postage costs). (By way of comparison, the County Central Services office charges \$0.05/piece to other County departments.) This agreement applies to the City's general daily mail needs but does not cover high-volume, bulk mailings such as tax and water bills. These mailings are handled under a separate printing and mailing services contract with a private firm.

FINANCIAL IMPACT: Approximately 110,000 pieces of mail will be processed annually under this contract at a total cost of \$6,600. This cost will be more than offset by the following savings: 1) volume/sorting discounts not available to City (annual savings \$1,980); 2) Avoidance of equipment and meter purchase/lease (annual savings \$4,476); 3) staff-time savings in Clerk and Finance offices (annual savings \$2,500).

Additionally, many other minor benefits will be realized: 1) responsibility for monitoring/responding to changing postal requirements will pass to the County; 2) postal supplies savings (\$50-\$100); and, 3) minor interest savings from no longer pre-funding postage meter.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the "Agreement for Mail Services" with Muskegon County.

Motion by Commissioner Gawron, second by Commissioner Davis to approve the Agreement for Mail Services with Muskegon County.

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

Nays: None

MOTION PASSES

C. Agreement for School Resource Officer-Muskegon Public Schools. **PUBLIC SAFETY**

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for a full-time School Resource Officer who will be assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of a police officer position. This will not be a new position. The officer will be selected from the existing staff.

FINANCIAL IMPACT: This agreement will produce revenue in the amount of \$30,000 each calendar year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Shepherd, second by Vice Mayor Larson to approve

the agreement for School Resource Officer with Muskegon Public Schools.

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

Nays: None

MOTION PASSES

D. Towing Service and Storage of Impounded Vehicles. PUBLIC SAFETY

SUMMARY OF REQUEST: Bids were solicited and have been accepted for the towing services and storage of impounded vehicles for the City of Muskegon's Police and Public Works Departments. This bid covers a three-year contract beginning September 1, 2005 – August 31, 2008. Two companies submitted bids. They were (1) Central Towing, 710 Pulaski and (2) Reliable Towing, Inc., 1288 9th Street.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Based upon the bid proposals, we recommend that Central Towing be awarded this contract.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the contract with Central Towing for towing and storage and have staff negotiate the City vehicle flat tire change/exchange from September 1, 2007 to August 31, 2008.

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

Nays: None

MOTION PASSES

E. Concurrence With the Housing Board of Appeals Notice and Order to Demolish 1516 Hoyt, 350 Allen, 291 Washington, and 769 Washington. PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for the demolitions with the lowest responsible bidder.

1516 Hoyt

350 Allen – Area 11

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals notice and order to demolish 1516 Hoyt and 350 Allen.

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

Nays: None

MOTION PASSES

291 Washington – Area 10b

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with the Housing Board of Appeals notice and order to demolish 291 Washington.

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

Nays: Davis

MOTION PASSES

769 Washington – Area 12

FINANCIAL IMPACT: General Fund

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to table the demolition of 769 Washington for 30 days.

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

Nays: None

MOTION PASSES

2005-91 ANY OTHER BUSINESS:

Our new Sister City Antalya, Turkey, gave a presentation.

2005-92 PUBLIC PARTICIPATION:

Scott Sieradzki, 1074 Kampenga, spoke reference his house at 557 W. Clay Street.

Motion by Vice Mayor Larson, second by Commissioner Davis to take no action on the demolition before October 27th with the understanding that the building must pass inspections prior to that date.

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

Nays: Spataro, Gawron, and Shepherd

MOTION PASSES

Lyle Day, 1989 Duck Lake Road, requested sick leave extension.

Motion by Commissioner Spataro, second by Commissioner Davis to grant a six-month leave per contract with the understanding that it is an unpaid leave.

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

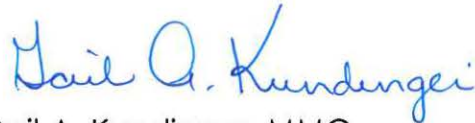
Nays: None

Absent: Warmington (excused at 8:01 p.m.)

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:07 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive, flowing style.

Gail A. Kunding, MMC
City Clerk

Date: September 27, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Transfer of Ownership Request
City Café
413-415 W. Western Avenue

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Lordache Holdings, Inc. to transfer ownership of the 2005 Class C licensed business with Dance-Entertainment Permit from Ashley-Chandler, Ltd. And PKT Twelve, Inc. (Co-licensees).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

Sept. 16, 2005

To: City Commission through the City Manager

From: *Anthony L. Kleibecker*
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 413-415 W. Western
Transfer of Ownership of 2005 Class-C SDM Licensed Business

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Iordache Holdings, Inc. comprised of Catalin and Daniela Iordache of 426 East Circle Dr. in North Muskegon.

Iordache Holdings, Inc requests to transfer ownership of 2005 Class-C SDM licensed business with Dance-Entertainment Permit, 2 Direct Connections, and 3 Bars located at 413-415 W. Western from Ashley-Chandler, Ltd. and PKT Twelve, Inc. Catalin and Daniela Iordache have limited experience in the alcohol service industry and are aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances.

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

ALK/kd

5-192
Michigan Department of Labor & Economic Growth
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

RECEIVED
SEP - 1 2005
MUSKEGON POLICE DEPT
CHIEF of POLICE

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

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

Date: August 16, 2005
REF#: 316345

Chief Law Enforcement Officer

Applicant:

IORDACHE HOLDINGS, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, 2 DIRECT CONNECTIONS, AND 3 BARS, LOCATED AT 413-415 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM ASHLEY-CHANDLER, LTD. AND PKT TWELVE, INC. (CO-LICENSEES).

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

Forward your report and recommendations of the applicant to the Licensing Division.

Please include fingerprint cards and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 9/17
4880-1658

sfs

POLICE INSPECTION REPORT ON L. OR LICENSE REQUEST

Req ID #316345

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

IORDACHE HOLDINGS, INC., 413-415 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, 2 DIRECT CONNECTIONS, AND 3 BARS, FROM ASHLEY-CHANDLER, LTD. AND PKT TWELVE, INC. (CO-LICENSEES).

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

CATALIN V. IORDACHE – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

426 EAST CIRCLE DRIVE

NORTH MUSKEGON, MI 49445

H(231)744-9217/B(231)638-2654

DATE OF BIRTH: 6-20-67

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?

☒ Yes ☐ No

Does the applicant have a Visa? Enter status:

Date fingerprinted: 7-9-05

APPLICANT #2:

DANIELA. IORDACHE – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

426 EAST CIRCLE DRIVE

NORTH MUSKEGON, MI 49445

H&B(231)744-9217

DATE OF BIRTH: 7-12-73

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?

☒ Yes ☐ No

Does the applicant have a Visa? Enter status:

Date fingerprinted: 7-9-05

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

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

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

[Signature]
Signature (Sheriff or Chief of Police)

7-21-05
Date

MUSKEGON POLICE DEPARTMENT



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

REQ ID: 316345

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

JORDACHE HOLDINGS, INC.

APPLICANT/LICENSEE

PHONE NUMBER

413-415 W. Western MUSKEGON MUSKEGON 49440
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

X

X

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES NO N/A

2. Describe the type of entertainment applicant/licensee will provide: N/A
music

3. Will this entertainment include topless activity? YES NO N/A

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	NO	N/A
ENTERTAINMENT PERMIT	YES	NO	N/A
TOPLESS ACTIVITY PERMIT	YES	NO	N/A

REMARKS

9-16-07

DATE SUBMITTED

X B. L. Klenk
OFFICER'S SIGNATURE

MUSKEGON POLICE
DEPARTMENT NAME

231 724-6150
PHONE NUMBER

980 Jefferson
ADDRESS

MUSKEGON
CITY

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

RESOLUTION

2005-88(b)

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

called to order by Mayor Warmington on September 27, 2005 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Spataro

That the request from IORDACHE HOLDINGS, INC. TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 413-415 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM ASHLEY-CHANDLER, LTD. AND PKT TWELVE, INC. (CO-LICENSEES).

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

County of Muskegon _____)

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

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

meeting held on September 27, 2005.
(Date)

SEAL

(Signed) Gail A. Kunderger
Gail A. Kunderger, MMC (Township, City or Village Clerk)
933 Terrace, Muskegon, MI 49440

(Mailing address of Township, City or Village)

RECEIVED

SEP 16 2005

MUSKEGON POLICE DEPT.
CHIEF of POLICE

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 09-16-05

Re: Liquor License Transfer

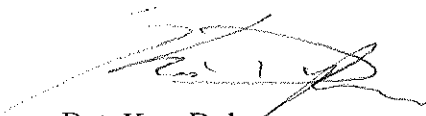
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Iordache Holdings, Inc. of 413-415 W. Western, Muskegon, MI. 49440.

Iordache Holdings, Inc is requesting to transfer ownership of 2005 Class-C SDM licensed business with Dance-Entertainment Permit, 2 Direct Connections, and 3 Bars located at 413-415 W. Western from Ashley-Chandler, Ltd. and PKT Twelve, Inc. Iordache Holdings, Inc is comprised of Catalin and Daniela Iordache of 426 East Circle Dr, N. Muskegon, MI. 49445. Mr. & Mrs. Iordache have had limited experience in the alcohol service industry and has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/Iordache

9-9-05

LIQUOR LICENSE REVIEW FORM

Business Name: Jordache Holdings, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Catalin + Daniel JordacheBusiness Address: 413-415 W Western

Reason for Review: _____

New License ☐ Transfer of Ownership ☒ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety: Approved ☒ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐Department Signature J. L. Kunder

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

9-9-05

LIQUOR LICENSE REVIEW FORM

Business Name: Jordache Holdings, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Catalin + Daniel Jordache

Business Address: 413-415 W Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Annal D

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

9-9-05

LIQUOR LICENSE REVIEW FORM

☐ FAXED ☐ RECEIVEDBusiness Name: Jordache Holdings, Inc.

SEP 12 2005

AKA Business Name (if applicable): _____

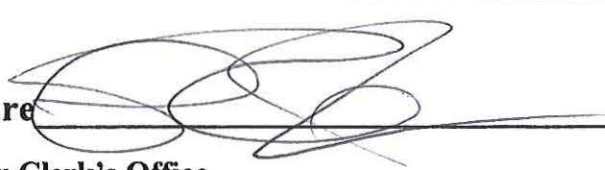
☐ APPROVED ☐ POSTED
CITY OF MUSKEGON TREASURYOperator/Manager's Name: Catalin + Daniel JordacheBusiness Address: 413-415 W Western

Reason for Review: _____

New License ☐ Transfer of Ownership ☒ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

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Gail A. Kunderger,
Liquor License Coordinator

9-9-05

LIQUOR LICENSE REVIEW FORM

RECEIVED

Business Name: Jordache Holdings, Inc.

SEP 12 2005

AKA Business Name (if applicable): _____

CITY OF PORTLAND
PLANNING DEPARTMENT

Operator/Manager's Name: Catalin + Daniel Jordache

Business Address: 413-415 W Western

Reason for Review: _____

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature

Phil L. Casanova

Please return to the City Clerk's Office

Gail A. Kundinger,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Jordache Holdings, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Catalin + Daniel JordacheBusiness Address: 413-415 W Western

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

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

9-9-05

LIQUOR LICENSE REVIEW FORM

Business Name: Jordache Holdings, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Catalin + Daniel JordacheBusiness Address: 413-415 W Western

Reason for Review: _____

New License ☐ Transfer of Ownership ☒ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

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Department Signature _____

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

9-9-05

LIQUOR LICENSE REVIEW FORM

Business Name: Jordache Holdings, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Catalin + Daniel JordacheBusiness Address: 413-415 W Western

Reason for Review: _____

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

Memorandum

To: Robert Kuhn, Director of Works
From: Brett Kraley, Equipment Supervisor
Date: 9/21/2005
Re: Fuel Sales

The Equipment Division previously sold fuel to The Muskegon Public School District. Last year the school district stopped buying fuel from us because we had to add the 15% administration fee to the cost.

The transportation director from the school recently contacted us and asked if we could forgo the 15% and agree on a cents-per-gallon charge. We have tentatively agreed on 7 cent per gallon, which would generate roughly \$5,000 a year.

We would like to request the commission waive the 15% administration fee, allowing us to sell fuel to the Muskegon Public School District.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Mayor Steve Warmington

DATE: September 21, 2005

RE: Sister City – Antalya, Turkey

SUMMARY OF REQUEST:

To establish a Sister City relationship w/ Antalya, Turkey. The relationship will provide an opportunity for a cultural exchange between the two cities.

FINANCIAL IMPACT:

Minimal expenses expected.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve establishing a Sister Cities relationship with Antalya, Turkey.

COMMITTEE RECOMMENDATION:

None

September 27, 2005

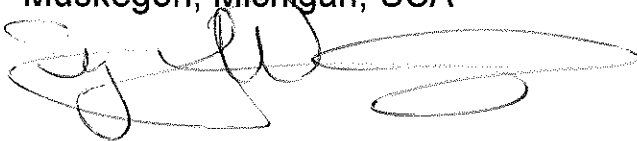
WHEREAS the Sister City Program administered by Sister Cities International was initiated by the President of the United States of America in 1956 to encourage greater friendship and understanding between the United States and other nations through direct personal contact: and

WHEREAS in order to foster those goals, the people of Muskegon, Michigan and Antalya, Turkey in a gesture of friendship and goodwill, agree to collaborate for the mutual benefit of our communities by exploring education, economic and cultural opportunities.

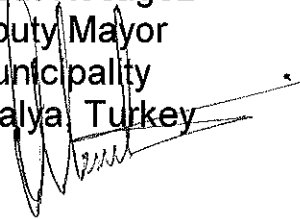
WHEREAS we agree to support and encourage opportunities for mutually beneficial practical exchanges in the fields of culture, education and Tourism. To do this, we will have the support of our governments, our school system and our cultural organizations.

NOW THEREFORE Muskegon, Michigan and Antalya, Turkey do hereby proclaim themselves Sister Cities and declare their intent to abide by these guidelines indefinitely according to Sister Cities international policies.

Steve Warmington
Mayor
City of Muskegon
Muskegon, Michigan, USA



Mesut Kocagoz
Deputy Mayor
Kepez Municipality
Antalya, Turkey



September 27, 2005

Mesut Kocagoz
The Honorable Deputy Mayor
of Kepez Municipality
Teoman Pasa Mahallesi
Antalya, Turkey

Dear Mayor Warmington:

It is with great pleasure that I accept the invitation to establish a sister city affiliation with the City of Muskegon and the Greater Muskegon Area Sister Cities. I accept the invitation on behalf of the many citizens of our community who have come to know and love the city and county of Muskegon and vote unanimously in favor of the affiliation.

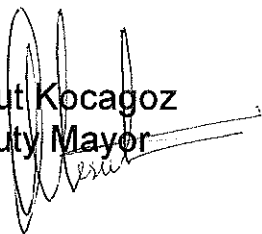
As we look to the future of this alliance, we envision a growing awareness and appreciation of each other's culture and people. From small beginnings, we hope this partnership will continue for many generations, fostering educational, economic and professional exchanges. We look forward to the limitless possibilities of this relationship.

Although this partnership must begin on an official basis between the governments of our two communities, we see the strength and vitality of this long-term association resting wholly in the hands of our citizen volunteers and participants. To this end, we have designated a group of men and women to enlist voluntary support in our community. We know that a body of volunteers already are assembled in your country.

We sincerely appreciate the invitation and look forward to the wonderful opportunities that await our communities in the future.

Sincerely,

Mesut Kocagoz
Deputy Mayor



Date: September 27, 2005

To: Honorable Mayor and City Commissioners

From: City Clerk & Finance Director

RE: Intergovernmental Cooperation Agreement with Muskegon County for Mail Processing Services

SUMMARY OF REQUEST: Postal regulations and equipment requirements are constantly changing. The city is currently faced with the requirement to replace its postage metering equipment by the end of 2006. We have looked at several alternatives for meeting our future mailing needs including purchase/lease of new equipment and outsourcing mail processing. Staff has concluded that the most cost-effective option is to enter into the attached intergovernmental cooperation agreement with Muskegon County for this purpose. Under the agreement, the city will pay \$0.06 for each piece of mail processed (in addition to postage costs). (By way of comparison, the County Central Services office charges \$0.05/piece to other County departments.) This agreement applies to the City's general daily mail needs but does not cover high-volume, bulk mailings such as tax and water bills. These mailings are handled under a separate printing and mailing services contract with a private firm.

FINANCIAL IMPACT: Approximately 110,000 pieces of mail will be processed annually under this contract at a total cost of \$6,600. This cost will be more than offset by the following savings: 1) volume/sorting discounts not available to city (annual savings \$1,980); 2) Avoidance of equipment and meter purchase/lease (annual savings \$4,476); 3) staff-time savings in Clerk and Finance offices (annual savings \$2,500).

Additionally, many other minor benefits will be realized: 1) responsibility for monitoring/responding to changing postal requirements will pass to the County; 2) postal supplies savings (\$50-\$100); and, 3) minor interest savings from no longer pre-funding postage meter.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the attached "Agreement for Mail Services" with Muskegon County.

COMMITTEE RECOMMENDATION: None.

AGREEMENT FOR MAIL SERVICES

As authorized in the Intergovernmental Transfers Of Functions And Responsibilities Act, this Agreement is entered into by and between the County of Muskegon ("County"), 990 Terrace St., Muskegon, MI 49442, and the City of Muskegon ("City"), 933 Terrace St., Muskegon, MI 49440, for the purpose of providing non-exclusive mail services to City and payment to County for same. The parties agree as follows:

- 1) County's responsibilities include:
 - a) Mail shall be picked up daily at centralized locations at City Hall and the Public Services Building.
 - b) Pickup time shall be by 11:00 a.m., but mail will be accepted from City until 3:00 p.m. at County's Office Services Department.
 - c) Mail shall be delivered to the post office between 4:30 and 5:00 p.m.
 - d) Regular, registered, restricted delivery, and overnight mail shall be accepted, and bulk rates shall apply when applicable.
 - e) Mail from the City shall be treated and charges applied as if it were mailed from County offices.
- 2) City's responsibilities include:
 - a) #10 envelopes beginning with zip code "494" shall be sorted and bundled separately to qualify for the discounted bulk rate. All other mail shall be sorted and bundled separately according to size, e.g., postcards, envelopes, large manila envelopes, and registered mail. Mail that needs to be charged to specific accounts shall be sorted and bundled separately and account numbers designated clearly.
 - b) Flaps on all envelopes shall be left up if they are not sealed.

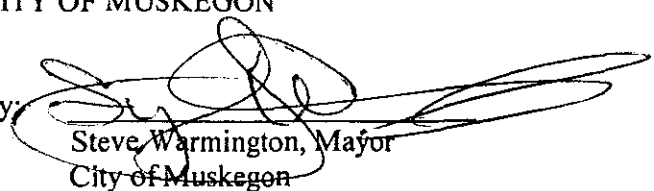
- c) A central location at City Hall and the Public Services Building shall be provided for mail pickup.
- 3) City shall pay County six cents (\$.06) for each piece of mail received, e.g., 500 pieces of mail shall cost thirty dollars (\$30.00), in addition to postage costs and other related charges, i.e., certified mail, registered mail and overseas mail. County shall provide a monthly, sufficiently detailed, invoice to City and City shall make payment within thirty (30) days of the invoice date. Provided, however, this rate may be reasonably increased by the mutual written consent of the parties.
- 4) Effective October 3, 2005, this Agreement shall be for a term of two (2) years and may be renewed annually for up to five (5) years by written consent of both parties. Provided, however, either party may terminate this Agreement for any cause by giving sixty (60) days advance written notice to the other party or may be immediately terminated for a breach of this Agreement.
- 5) In addition to damages, the prevailing party in a suit for breach of contract shall be entitled to attorney fees.

COUNTY OF MUSKEGON

By: _____
Bill Gill, Chairman, Muskegon County
Board of Commission

Dated: _____

CITY OF MUSKEGON

By: 
Steve Warmington, Mayor
City of Muskegon

Dated: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

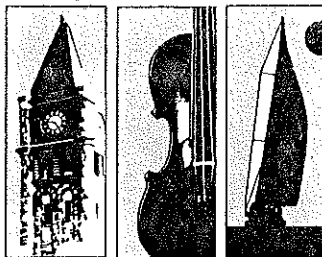
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

October 11, 2005

Karen Buie, County Clerk
990 Terrace
Muskegon, MI 49442

Dear Karen:

Please have Chairman Bill Gill sign the enclosed agreements for mail service. Once they are signed, please keep one copy for your records and return the other two to us.

If you have any questions, please call me at 724-6915.

Thank you,

Linda Potter

Linda Potter
Deputy Clerk

City Commission Meeting
Tuesday September 27, 2005

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: September 14, 2005

SUBJECT: Agreement for School Resource Officer-Muskegon Public Schools

Summary of Request:

Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for a full-time School Resource Officer who will be assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of a police officer position. This will not be a new position. The officer will be selected from the existing staff.

Financial Impact:

This agreement will produce revenue in the amount of \$30,000 each calendar year.

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

AGREEMENT

This Agreement is effective September 1, 2005 among the **City of Muskegon**, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and **Muskegon Public Schools**, of 349 West Webster, Muskegon, Michigan 49440 ("MPS"), with reference to the following facts:

Background

- A. City and MPS have determined that it is in each of their best interests to increase police services at the Muskegon High School ("MHS").
- B. City has agreed to provide a police officer to MPS to be on patrol at MHS. At all times the officer assigned to work at MHS shall be a City police officer and, as such, an employee.
- C. MPS has agreed to pay to the City one-half of the officer's annual salary and benefits.

It is therefore agreed:

- 1. **Officer.** City shall provide a police officer to be on patrol at MHS during MHS's published academic calendar year, commencing August of 2005 (which shall not include any published vacation days or summer school sessions). The officer shall be present at MHS during hours which are mutually agreeable between the City and MPS, but which is anticipated to be approximately 950 hours in a calendar year.
- 2. **Payment.** MPS shall pay \$2,500 on the first day of each month commencing September 1, 2005.
- 3. **Term; Termination.** The term of this Agreement shall be for one year from its effective date, and may be renewed annually by mutual agreement no later than 30 days before the end of the current term. This Agreement may be terminated before the end of its term by subsequent written agreement, which shall be signed by both parties.

4. **Venue.** The parties agree that for purposes of any dispute in connection with this agreement, the Muskegon County Circuit Court shall have exclusive jurisdiction and venue.

Muskegon Public Schools

By: Charles W. Poole
Name: Charles W. Poole
Title: President
Date: 9/19/05

By: William H. Ashley
Name: William H. Ashley
Title: Secretary
Date: 9/19/05

City of Muskegon

By: Stephen J. Warmington
Name: Stephen J. Warmington
Title: Mayor
Date: 9-28-05

By: Gail A. Kunderger
Name: Gail A. Kunderger, MMCO
Title: Clerk
Date: 9-28-05

City Commission Meeting

Tuesday, September 27, 2005

To: Honorable Mayor and City Commissioners
From: Anthony L. Kleibecker, Public Safety Director
Date: September 21, 2005
Subject: Towing Service and Storage of Impounded Vehicles

Summary of Request:

Bids were solicited and have been accepted for the towing services and storage of impounded vehicles for the City of Muskegon's Police and Public Works Departments. This bid covers a three-year contract beginning September 1, 2005 – August 31, 2008.

Two companies submitted bids. They were (1) Central Towing, 710 Pulaski and (2) Reliable Towing, Inc, 1288 9th St. A copy of the bid solicitation is attached along with the bids received from each company.

Financial Impact:

None.

Budget Action Required:

None.

Staff Recommendations:

Based upon the bid proposals, we recommend that Central Towing be awarded this contract.

SEEKING BIDS FOR TOWING, IMPOUND AND STORAGE FACILITY

Sealed bids will be received at the Office of the City Clerk, Post Office Box 536, Muskegon MI 49443-0536 until 2:00pm on Tuesday, September 6, 2005 for the furnishing of a company to do the towing, impounding and providing storage of same for the City of Muskegon Police and Public Works Departments, according to specifications available at the Office of the City Clerk.

The City of Muskegon reserves the right to accept or reject any of all bids that appear to be in the best interest of the City of Muskegon.

Bids shall be marked "Towing Service" and shall be submitted on the proposal form provided in the bid specifications. Bids not submitted on the proposal forms will not be considered. Postmarks will not be considered having met the deadline requirement.

BID PROPOSAL
TOWING SERVICE AND STORAGE OF AN IMPOUNDED VEHICLE
WITHIN THE CORPORATE LIMITS OF THE CITY OF MUSKEGON

	September 1, 2005 thru August 31, 2006	September 1, 2006 thru August 31, 2007	September 1, 2007 thru August 31, 2008
Towing to impound facility	\$ <u>50.00</u>	\$ <u>50.00</u>	\$ <u>50.00</u>

	September 1, 2005 thru August 31, 2006	September 1, 2006 thru August 31, 2007	September 1, 2007 thru August 31, 2008
Storage per day at facility	\$ <u>10.00</u>	\$ <u>10.00</u>	\$ <u>10.00</u>

	September 1, 2005 thru August 31, 2006	September 1, 2006 thru August 31, 2007	September 1, 2007 thru August 31, 2008
Moped storage per day	\$ <u>1.00</u>	\$ <u>1.00</u>	\$ <u>1.00</u>

	September 1, 2005 thru August 31, 2006	September 1, 2006 thru August 31, 2007	September 1, 2007 thru August 31, 2008
Towing of city vehicles to Muskegon locales (i.e. DPW, MPD, dealerships)	\$ <u>5.00</u>	\$ <u>5.00</u>	\$ <u>5.00</u>

	September 1, 2005 thru August 31, 2006	September 1, 2006 thru August 31, 2007	September 1, 2007 thru August 31, 2008
Same as above for city vehicles 15 to 50 tons	\$ <u>25.00</u>	\$ <u>25.00</u>	\$ <u>25.00</u>

	September 1, 2005 thru August 31, 2006	September 1, 2006 thru August 31, 2007	September 1, 2007 thru August 31, 2008
City vehicle flat tire change/exchange (DPW heavy equip- ment exempt)	\$ <u>5.00</u>	\$ <u>5.00</u>	\$ <u>50.00</u>

Dated: 8/31/05

Bidder: Ed Higgins

Representing: Central Towing

Central Towing

710 Pulaski Ave.
Muskegon, Mi 49441
Phone (231) 755-3708
Fax (231) 893-6043

August 30, 2005

City of Muskegon
Post Office Box 536
Muskegon, Mi 49443-0536

Dear City of Muskegon Commissioners,

As the owner of Central Towing I would like to highlight some of the things our towing company has to offer the city above and beyond what is required in regards to the open bid for the towing contract. We have recently purchased a new 400x60 facility. This provides us with ample indoor storage in a heated garage that is well lit. The property is 5 acres which leaves room for expansion should the need arise with the new abandoned vehicle laws. We also have enough parking space on our property to hold auction vehicles so they can remain on our property as opposed to being put out on a city street after the sale. The storage yard is surrounded by a solid fence so it is not an eyesore to adjoining properties or motorists passing by. The storage yard is also well lit and is monitored by a 10 camera security system to control theft and vandalism of any vehicles in our possession.

The drivers at Central Towing have been with the company for many years and are familiar with the city requirements and duties for the impounding and recovery of vehicles. These drivers are also knowledgeable and licensed to operate our Heavy Duty semi wrecker which is the largest heavy duty underlift in the county of Muskegon. We also have a loader and dump trucks that are available to us if needed for recovery work.

Sincerely,

Ed Higgins
Ed Higgins, Owner

Central Towing

710 Pulaski Ave
Muskegon, Mi 49441
Phone (231) 755-3708
Fax (231) 893-6043

September 26, 2005

*City of Muskegon
Post Office Box 536
Muskegon, Mi 49443-0536*

Dear City of Muskegon Commissioners,

As the owner of Central Towing I would like to highlight some of the things our towing company has to offer the city above and beyond what is required in regards to the open bid for the towing contract. We have recently purchased a new 400x60 facility. This provides us with ample indoor storage in a heated garage that is well lit. The property is 5 acres which leaves room for expansion should the need arise with the new abandoned vehicle laws. We also have enough parking space on our property to hold auction vehicles so they can remain on our property as opposed to being put out on a city street after the sale. The storage yard is surrounded by a solid fence so it is not an eyesore to adjoining properties or motorist passing by. The storage yard is also well lit and is monitored by a 10 camera security system to control theft and vandalism of any vehicles in our possession.

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Sincerely,

Ed Higgins, Owner

BID PROPOSAL
TOWING SERVICE AND STORAGE OF AN IMPOUNDED VEHICLE
WITHIN THE CORPORATE LIMITS OF THE CITY OF MUSKEGON

	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008
Towing to impound facility	<u>\$ 50.-</u>	<u>\$ 55</u>	<u>\$ 60</u>
	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008
Storage per day at facility	<u>\$ 11.-</u>	<u>\$ 13.-</u>	<u>\$ 15</u>
	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008
Moped storage per day	<u>\$ 5.-</u>	<u>\$ 5.-</u>	<u>\$ 5.-</u>
	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008
Towing of city vehicles to Muskegon locales (i.e. DPW, MPD, dealerships)	<u>\$ 14.-</u>	<u>\$ 14.-</u>	<u>\$ 14.-</u>
	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008
Same as above for city vehicles 15 to 50 tons	<u>\$ 50.-</u>	<u>\$ 50.-</u>	<u>\$ 50.-</u>
	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008	September 1, 2005 thru August 31, 2008
City vehicle flat tire change/exchange (DPW heavy equip- ment exempt)	<u>- 0 -</u>	<u>- 0 -</u>	<u>- 0 -</u>

Dated:

9-6-05

Bidder:

Thomas M Olson

Representing:

Reliable Towing Inc

RELIABLE TOWING, INC.

1288 Ninth Street • Muskegon, Michigan 49440 • Phone 231.722.1309 • Fax 231.725.8273

September 6, 2005

City of Muskegon Police Department
Muskegon City Commission
980 Jefferson Street
Muskegon MI 49440

Attn: Chief of Police Anthony Kleibecker & Staff

We'd like to thank you for once again allowing us the opportunity to participate in the bidding process for the towing contract for the City of Muskegon and update our business information.

Reliable Towing has been in business for 53 years and under the ownership of Thomas Olsen for the past 23 years. Our truck fleet now consists of seven regular wreckers; one flatbed; and two heavy-duty wreckers (one of which has an under-reach) which are capable of towing tractor trailers, garbage packers, etc.

Along with the attached bid sheet, we would like to offer the following proposal: To help the City offset expenses incurred at our auctions, we are proposing to reimburse the City 5% of the total revenue we receive from all impounded auction vehicles, minus any overages. This will amount to approximately \$3,500 to \$4,000 each year.

Thank you again for your consideration.

Sincerely,



Thomas M. Olsen, Owner
Reliable Towing, Inc.

kso
Attachments

Impounds outside the City \$1.⁰⁰ per mile
Tractor trailer : Large impounds

9-1-2005 thru
8-31-2006
\$125.-

9-1-2006 thru
8-31-2007
\$125.-

9-1-2007 thru
8-31-2008
\$125.-

Recovery rate for same \$90 per hour

Impounds that are involved in accidents
will be charged our regular accident fee
due to time involved and cleanup.

DATE: September 20, 2005
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-030012

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1516 Hoyt** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-030012 -- 1516 Hoyt Street

Location and ownership: This structure is located on Hoyt between E. Southern and E. Grand and is owned by Flagstar Bank, 5151 Corporate Dr., Troy, MI 48084.

Staff Correspondence: A dangerous building inspection was conducted on 05/16/05. The Notice and Order to Repair was issued on 06/01/05. On 07/13/05 the HBA declared the structure substandard and dangerous. There was a report of fire on 07/27/05.

Owner Contact: There has been no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$27,000

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 27, 2005.

Thursday, August 11, 2005

DANGEROUS BUILDING INTERIOR INSPECTION REPORT

Enforcement # EN030012

1516 HOYT ST

24-205-281-0001-00

Owner INGALLS TONYA

Inspection Type: Dang Building

Inspector: Henry Faltinowski

Date completed: 05/16/2005

DEFECENCIES:

Uncorrected

- 1. Finish siding on home.**
- 2. Open - missing windows.**
- 3. Repair all foundation wall and damage.**
- 4. Exterior porches must be repaired to code - unstable structually failing. Provide proper guardrails, handrails, and stairs to code.**
- 5. Scrape and paint all exposed loose chipping paint on siding.**

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

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

215 ~~1516~~

1516

Hoyt.

D.B.



DSC00030.JPG



DSC00031.JPG



DSC00032.JPG



DSC00033.JPG

1516 Hoyt



DSC00038.JPG



DSC00039.JPG



DSC00040.JPG



DSC00041.JPG

1516 Hoyt

AGREEMENT

THIS AGREEMENT, made this January 31, 2006 by and between:
Press's LLC.

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

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

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **1516 Hoyt** as well as required
 supplemental work for the completion of this project, all in strict accordance with
 the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$4050.00.**

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

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

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

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

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

ATTEST:

CONTRACTOR:

BY: Alan Sager pres
Printed name and title

ATTEST:

Linda Potter
Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor
Dail G. Kundingi
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Sager, certify that I am the Sec

of the Corporation named as contractor herein;

That Alan Sager, who signed this Agreement on behalf of the

Contractor, was then pres of said Corporation:

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

Signed:

Tammy Sager

(CORPORATE SEAL)

TAMMY SAGER Sec
Printed Name and Title

DATE: September 20, 2005
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050098

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **350 Allen – AREA 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050098 – 350 Allen

Location and ownership: This structure is located on Allen between Wood St and Emerald and is owned by Steven/Amy Kelly.

Staff Correspondence: A dangerous building inspection was conducted on 03/28/05. The Notice and Order to Repair was issued on 04/19/05. On 07/13/05 the HBA declared the structure substandard and dangerous.

Owner Contact: There has been no owner contact. Notices have been returned unclaimed from post office. An electrical permit was issued 02/04/03 and expired 08/03/03 to replace wiring. No inspections have been scheduled.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$25,000

Estimated cost to repair: \$20,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 27, 2005.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Tuesday, September 20, 2005

Enforcement # EN050098 **Property Address** 350 ALLEN AVE
Parcel #24-205-211-0008-00 **Owner** KELLY STEVEN R/AMY S

Inspector: Henry Faltinowski

Date completed: 03/28/2005

DEFICIENCIES:

Uncorrected

1. All permits have expired on home.
2. Numerous broken out windows, home boarded.
3. Project has been abandoned.

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

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

Henry Faltinowski, Building Inspector

Date



350 Allen J.

AGREEMENT

THIS AGREEMENT, made this January 31, 2006 by and between:
Press's LLC.

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

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

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **350 Allen** as well as required
 supplemental work for the completion of this project, all in strict accordance with
 the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$3750.00.**

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

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

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

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

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

ATTEST:

CONTRACTOR:

BY: Alan Sager pres
Printed name and title

ATTEST:

Linda Potter
Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor
Dail Q. Kundergen
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Sager, certify that I am the Sec

of the Corporation named as contractor herein;

That Alan Sager, who signed this Agreement on behalf of the

Contractor, was then pres of said Corporation:

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

Signed:

Tammy Sager

(CORPORATE SEAL)

Tammy Sager Sec
Printed Name and Title

DATE: September 20, 2005
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040053 Address: 291 Washington. **Case Tabled 03/22/05**

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **291 Washington - Area 10b** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040053 – 291 Washington

Location and ownership: This structure is located on Washington between Sixth St. and Seventh St. and is owned by Willie/Verlene Holden, 580 E. Delano, Muskegon, MI 49444

Staff Correspondence: A dangerous building inspection was conducted on 05/06/04 and an interior inspection on 08/02/04 the notice and order to repair was issued on 05/07/04. On 08/05/04 the HBA declared the structure substandard and dangerous. **On 03/22/04 City Commission tabled case.**

Owner Contact: Mr. Holden was present to represent this case. He stated he lives at 291 Washington and can start repairs in 30 days. He was given a copy of the interior inspection that was conducted earlier in the week at the HBA meeting. Case scheduled before commission on 03/22/04. Mr. Holden appeared before Commission stating he had been ill but had plans to complete repairs. Commission tabled. There have been no permits issued or inspections scheduled and no owner contact since that time.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$13,300

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 27, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

291 Washington

(INTERIOR INSPECTION)
8/2/04

Inspection noted:

1. Service -- romex not run through fittings.
2. Circuits not fused.
3. Bonding jumper is missing.
4. Metal covers not grounded.
5. Kitchen to be wired per Michigan Residential Code 2003.
6. Smoke detectors required per Michigan Residential Code 2003.
7. Closet light improperly wired (needs new fixtures).
8. Repair front concrete steps.
9. Side deck needs repair/replacement.
10. Interior soffit (already installed) requires permit.
11. Sister cut floor joist in basement.
12. Replace all structural damage on roof and back wall section to meet Michigan Residential Code 2003.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

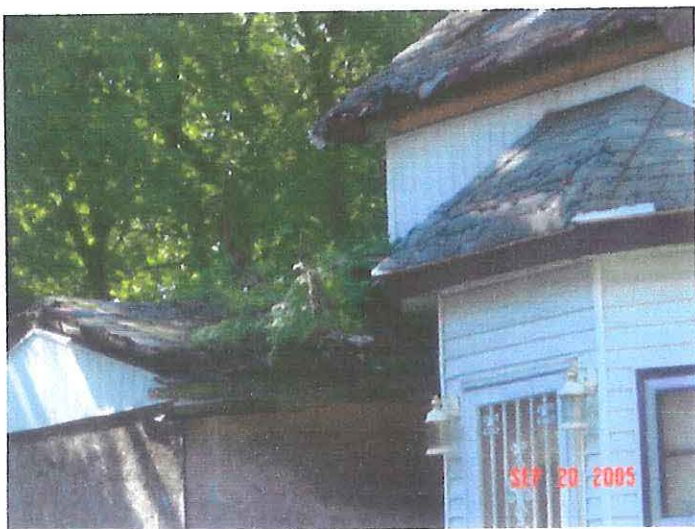
PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



DSC00013.JPG



DSC00014.JPG



DSC00015.JPG



DSC00016.JPG

291 Washington

291 Washington



DSC00812.JPG

DATE: September 20, 2005
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050100

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **769 Washington –Area 12** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050100 – 769 Washington

Location and ownership: This structure is located on Washington between Henry and Beidler Streets and owned by Francisco Galindo, 1873 Whitehall Rd, Muskegon, MI 49445 on land contract with a Victor J. Rockafellow of 1450 Leahy, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 04/22/04. The Notice and Order to Repair was issued on 05/04/04. An interior inspection conducted on 05/28/04. On 05/05/05 the HBA tabled case for 30 days to allow owner to provide a time-line for repairs and schedule inspections. Case brought back to HBA 06/02/05 and was declared dangerous, substandard and a public nuisance with a 30 day delay before sending to commission.

Owner Contact: Victor Rockafellow was present for the HBA 05/05/05 meeting. He stated he had put in a new foundation and purchased new windows and was unaware that permits had expired. He said his plan was to install vinyl siding this summer but all repairs would take about a year because of limited time and resources. Henry Faltinowski stated only one inspection had been done and there had been no contact with owner since that time and added a timeline should have been set to complete repairs. Case came back before HBA 06/02/05 and Mr. Rockafellow was present. Henry Faltinowski stated all three trade inspectors went out 05/12/05 and an report was sent out of all repairs needed. He stated Mr. Rockafellow needs to provide a timeline if he wants to invest the money because repairs are extensive. Nick Kroes asked based on the inspection report how long would it take to resolve these issues. Mr. Rockafellow stated it would take about 1 year, he could get the exterior done this summer and he's trying to line up a plumber. There has been no contact from Mr. Rockafellow since that time and the structure was sold on land contract 06/20/05 to a Francisco Galindo who was sent all notices and inspections 08/17/05. Mr. Galindo made note of the dangerous building status at a progress inspection for another dangerous building he owns at 775 Washington but has not provided a timeline for repairs and no permits have been issued.

Financial Impact: General Fund

Budget action required: None

State Equalized value: \$34,800

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 27, 2005.

CITY OF MUSKEGON DANGEROUS BUILDING INSPECTION REPORT

Tuesday, September 20, 2005

Enforcement # EN050100
Parcel #24-205-412-0004-00

Property Address 769 WASHINGTON AVE
Owner ROCKAFELLOW VICTOR J

Inspector: Henry Faltinowski

Date completed: 05/12/2005

DEFICIENCIES:

Uncorrected

1. Steel boxes to bonded properly.
2. White ungrounded conductors to be re-identified.
3. Smoke alarm box in rear entry to be located properly.
4. Outlet boxes to be within 1/4" of non-combustible surface.
5. Dishwasher not to be on small appliance branch circuit.
6. Need plug by middle bedroom door
7. Check kitchen/dining room plug layout.
8. Need laundry outlet.
9. Fire stop verticle holes.
10. Roughin is about 75% done.
11. Furnace gas line should have drop leg.
12. Bathroom intact - no vent fan.
13. Clean ductwork and support.
14. Hot water heater needs to be replaced with a tankless hot water heater.
15. Hose clamp on gas line going to gas meter will need access opening for shower valve.
16. Plumb to Mich 2003 Plumb Code.
17. Replace furnace vent.
18. Outside faucet to have a vacuum breaker.

Uncorrected

1. All framing headers on bearing must meet MRC 2003 requirement - See attached sheet.
2. Bowed out walls must be repaired.
3. Foundation wall and plate must be attached - 1/2" anchor bolts 1 - foot

of corners every 6ft on center or approved sill straps.

4. All framing of walls, joists, rafters must meet code 2003 MRC

5. Windows must meet section R613.

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

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

Henry Faltinowski, Building Inspector

Date

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

765 Washington

4/22/04

Inspection noted:

1. Foundation wall repair needed around entire perimeter.
2. Replace, scrape – paint all damaged siding – entire perimeter.
3. Scrape & paint – repair all window frames.
4. Replace damaged back porch.
5. Replace broken glass.
6. Structural damage to roof – provide rafter investigation.
7. Remove collapsing shed.
8. All handrails, guardrails must meet Michigan Residential Code 2003.
9. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
10. All work requires construction permits. These permits must be obtained prior to work beginning.

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

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

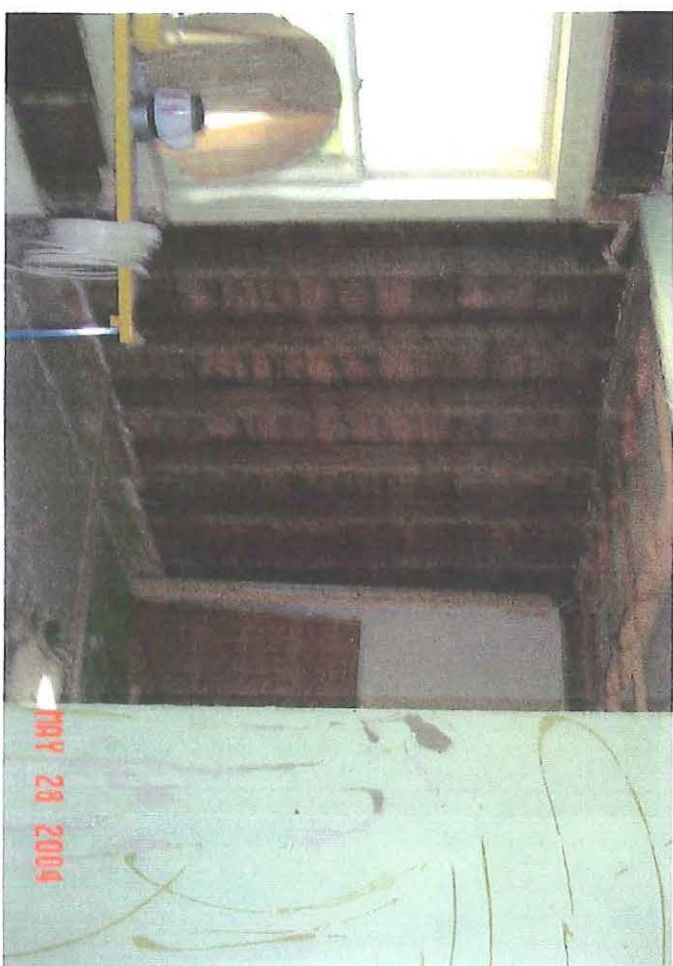
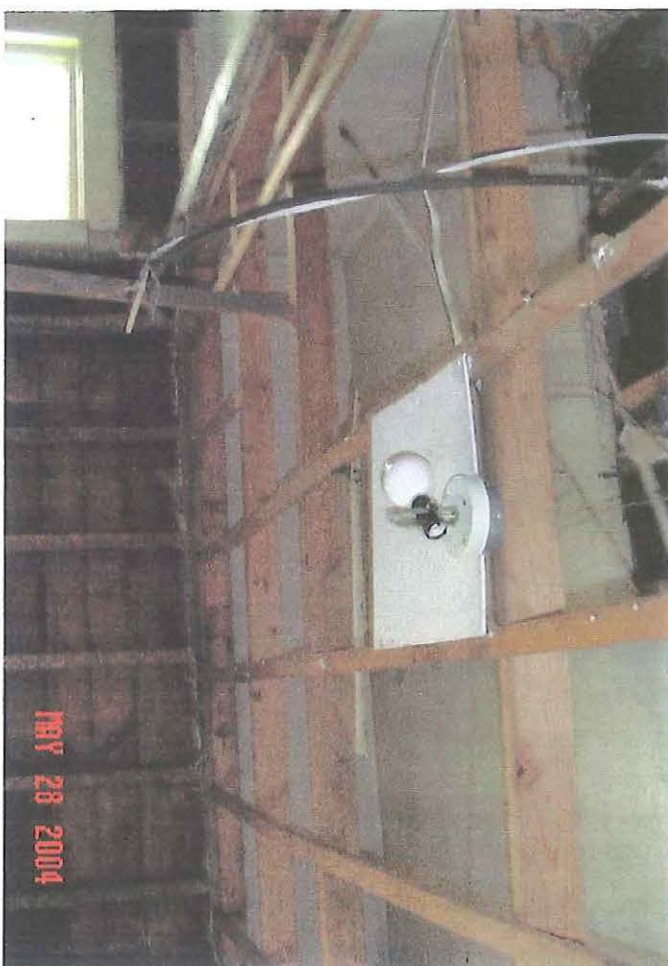
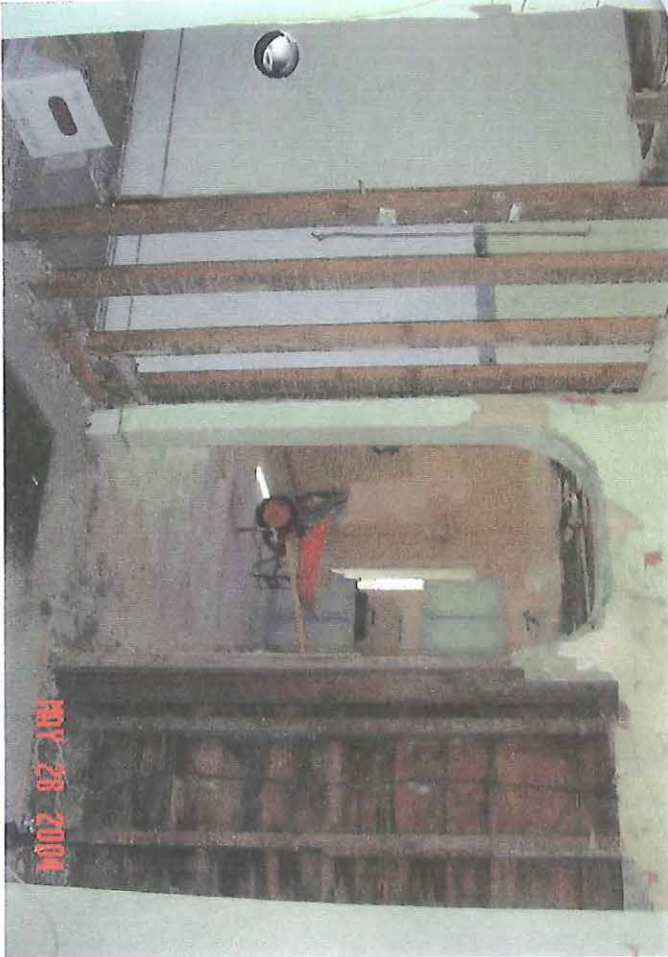
DATE

765/769 Washington

2005 4 15

765 Washington

769 Washington



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

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

RECEIVED

SEP 01 2005

MUSKEGON
CITY MANAGER'S OFFICE

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 316345

Date: August 16, 2005

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

Applicant: IORDACHE HOLDINGS, INC.

Home Address And Phone No:

CATALIN V. IORDACHE, 426 EAST CIRCLE DRIVE, NORTH MUSKEGON, MI 49445

H(231)744-9217/B(231)638-2654

DANIELA. IORDACHE, 426 EAST CIRCLE DRIVE, NORTH MUSKEGON, MI 49445 H&B(231)744-9217

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

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

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

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

sfs

September 27, 2005

Iordache Holdings, Inc.
426 East Circle Drive
North Muskegon, MI 49445

Dear Catalin and Daniela Iordache:

This letter is to inform you that your request to transfer ownership of the 2005 Class C licensed business, with Dance-Entertainment Permit from Ashley-Chandler, Ltd., and PKT Twelve, Inc. located at 413-415 W. Western Avenue, will be presented to the City Commission on September 27, 2005. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

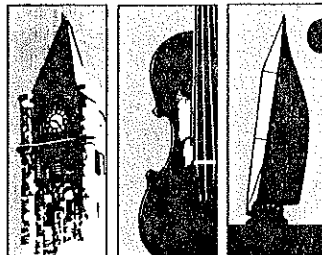
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

September 23, 2005

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

Dear Larry:

We have received a letter from the Liquor Control Commission reference a request from Iordache Holdings, Inc., to transfer ownership of the 2005 Class C licensed business with Dance Entertainment Permit from Ashley-Chandler, Ltd., and PKT Twelve, Inc. located at 413-415 W. Western Avenue (City Café). A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. On Tuesday, September 27, 2005, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on September 27, 2005, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

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

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

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

City Manager
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Civil Service
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Clerk
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FAX: (231)724-4178

Community and
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Water Filtration
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FAX: (231)755-5290



October 12, 2005

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

REF: #316345
Iordache Holdings, Inc.
413-415 W. Western
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, Local Law Enforcement Agency Report, and print cards and check for Iordache Holdings, Inc. This was recommended for approval at the September 27, 2005, City Commission Meeting.

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

Sincerely,

A handwritten signature in cursive script that reads 'Linda Potter'.

Linda Potter
Deputy Clerk

enc.

Date: September 27, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Linne Lodge #57
3132 Lakeshore Drive

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Linne Lodge #57, Independent Order of Vikings to add New Outdoor Service (1 area) to be held in conjunction with their 2005 Club licensed business with Dance Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

RECEIVED

SEP - 6 2005

MUSKEGON POLICE DEPT.
CHIEF of POLICE

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 9-6-05

Re: Liquor License Request

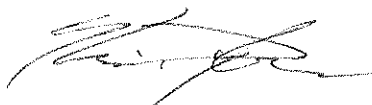
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Linne Lodge #57, Independent Order of Vikings, Inc. of 3132 Lakeshore Dr., Muskegon, MI. 49441.

Linne Lodge #57 is requesting to requesting to add New Outdoor Service (1 area), in conjunction with 2005 Club licensed business, with Dance Permit located at the above address. The Michigan Liquor Control Commission Licensing Division does not need a local commission resolution for this request and requires only the attached LC-1636 to be signed and returned.

A check of MPD records shows no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/Vikings#57

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	1996-015029-A	PRIV. PROP. HIT	06/24/1996	3132 LAKESHORE DR
MUPD	1996-015503-I	GENERAL NON-CRI	06/28/1996	3132 LAKESHORE
MUPD	1997-026319-I	GENERAL ASSISTA	10/14/1997	3132 LAKESHORE BLVD
MUPD	1998-012928-I	SERVICE CALL	05/30/1998	3132 LAKESHORE
MUPD	1998-033414-I	BURGLARY-FORCED	12/28/1998	3132 LAKESHORE
MUPD	1999-034936-I	RECKLESS DRIVIN	12/23/1999	3132 LAKESHORE
MUPD	2000-004201-A	TRAFFIC ACCIDEN	02/18/2000	3132 LAKESHORE DR/EDGEWATER
MUPD	2000-007577-I	STOPPING/STANDI	03/24/2000	3132 LAKESHORE
MUPD	2001-004003-I	LARCENY - THEFT	02/24/2001	3132 LAKESHORE
MUPD	2001-004198-I	MINOR HIT & RUN	02/27/2001	3132 LAKESHORE DR
MUPD	2001-005757-I	SUSPICIOUS SITU	03/20/2001	3132 LAKESHORE
MUPD	2001-015744-I	SUSPICIOUS SITU	06/29/2001	3132 LAKESHORE DR
MUPD	2001-017389-I	LARCENY - OTHER	07/13/2001	3132 LAKESHORE DR
MUPD	2001-018108-I	LARCENY - OTHER	07/20/2001	3132 LAKESHORE DR
MUPD	2002-001108-I	DAMAGE TO PROPE	01/16/2002	3132 LAKESHORE DR
MUPD	2002-020124-I	SUSPICIOUS SITU	08/24/2002	3132 LAKESHORE DR - Loud Party
MUPD	2002-027669-I	DAMAGE TO PROPE	11/17/2002	3132 LAKESHORE DR
MUPD	2002-030878-I	LARCENY - THEFT	12/31/2002	3132 LAKESHORE DR
MUPD	2002-030879-I	LARCENY - THEFT	12/31/2002	3132 LAKESHORE DR
MUPD	2002-030877-I	LARCENY - THEFT	12/31/2002	3132 LAKESHORE DR
MUPD	2003-001553-I	LARCENY - THEFT	01/22/2003	3132 LAKESHORE DR
MUPD	2003-006280-A	TRAFFIC ACCIDEN	03/27/2003	3132 LAKESHORE DR/EDGEWATER
MUPD	2004-028858-I	UNAUTHORIZED DU	12/15/2004	3132 LAKESHORE DR
MUPD	2005-019314-I	DAMAGE TO PROPE	08/25/2005	3132 LAKESHORE DR

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

2005-88(c)

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

called to order by Mayor Warmington on September 27, 2005 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Spataro

That the request from

Linne Lodge #57 Independent Order of Vikings, Inc., to add New Outdoor Service (1 Area), in conjunction with 2005 Club licensed business, with Dance Permit, located at 3132 Lakeshore, Muskegon, MI 49441, in Muskegon County

be considered for Approval

(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended

for issuance

(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on September 27, 2005.
(Date)

SEAL

(Signed) Gail A. Kunderinger
(Township, City or Village Clerk)
Gail A. Kunderinger, MMC
933 Terrace, Muskegon, MI 49440

(Mailing address of Township, City or Village)

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

316533

9-2-05
JMT

LAW ENFORCEMENT RECOMMENDATION

(MCL 436.1501)

August 17, 2005

TO: Muskegon Police Department
Chief of Police
980 Jefferson Street
P.O. Box 536
Muskegon, MI 49443-0536

RE: Linne Lodge # 57
Independent Order of Vikings, Inc.
3132 Lakeshore
Muskegon, MI 49441
Request I.D. # 316533

Contact: Dave Jensen (231) 780-2814

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

☐

OFFICIAL PERMIT FOR EXTENDED
HOURS OF OPERATION FOR

Two copies of Form LC 1112 will be left with you, the upper portions already executed. Indicate your recommendation and return one copy to the Commission, retaining the other.
(Authorized by MAC R436.1403)

☐

LIVING QUARTERS

Indicate your recommendation on the bottom of this letter and return one copy to the Commission.
(Authorized by MCL 436.1217 and 436.1201)

X Request to Add New Outdoor Service (1 Area), in conjunction with 2005 Club licensed business, with Dance Permit, located at the above address, in Muskegon County.

Recommendation: (Recommended / ~~Not recommended~~) _____

Signed: ~~X~~ 316533
Signature and Title

Date: 9-2-05

rlm

LIQUOR LICENSE REVIEW FORM

Business Name: Linne Lodge #57AKA Business Name (if applicable): Independent Order of Vikings

Operator/Manager's Name: _____

Business Address: 3132 LakeshoreMuskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☐ New Entertainment Permit ☐Other Request to add new outdoor service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☒ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐Department Signature [Signature]

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

9-8-05

LIQUOR LICENSE REVIEW FORM

Business Name: Linne Lodge #57

AKA Business Name (if applicable): Independent Order of Vikings

Operator/Manager's Name: _____

Business Address: 3132 Lakeshore

Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Request to add new outdoor service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

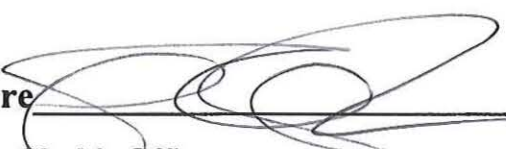
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature 

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

☐ FAXED RECEIVED ☐

SEP -9 2005

☐ APPROVED POSTED ☐
CITY OF MUSKEGON TREASURY

9-8-05

LIQUOR LICENSE REVIEW FORM

Business Name: Linne Lodge #57

AKA Business Name (if applicable): Independent Order of Vikings

Operator/Manager's Name: _____

Business Address: 3132 Lakeshore

Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Request to add new outdoor service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Any zoning must meet zoning requirements

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

RECEIVED

SEP 08 2005

CITY OF MUSKEGON
PLANNING DEPARTMENT

Department Signature [Signature]

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

LIQUOR LICENSE REVIEW FORM

Business Name: Linne Lodge #57

AKA Business Name (if applicable): Independent Order of Vikings

Operator/Manager's Name: _____

Business Address: 3132 Lakeshore

Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Request to add new outdoor service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: exempt

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Gene

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

LIQUOR LICENSE REVIEW FORM

Business Name: Linne Lodge #57

AKA Business Name (if applicable): Independent Order of Vikings

Operator/Manager's Name: _____

Business Address: 3132 Lakeshore

Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Request to add new outdoor service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

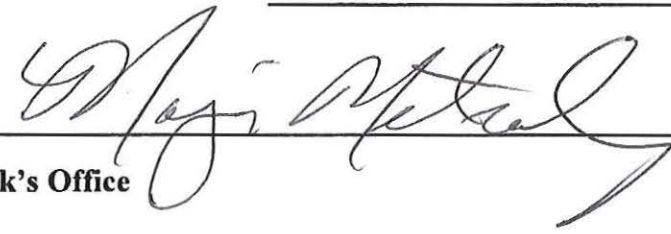
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature 

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

9-8-05

LIQUOR LICENSE REVIEW FORM

Business Name: Linne Lodge #57

AKA Business Name (if applicable): Independent Order of Vikings

Operator/Manager's Name: _____

Business Address: 3132 Lakeshore

Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Request to add new outdoor service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunder, Coordinator

Affirmative Action
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FAX: (231)722-1214

Assessor/Equalization
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Computer Info.
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FAX: (231)724-6768

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



September 27, 2005

Linne Lodge #57
Independent Order of Vikings, Inc.
3132 Lakeshore Drive
Muskegon, MI 49441

Dear Sir:

This letter is to inform you that your request to add a new Outdoor Service (1 Area), to be held in conjunction with the 2005 Club licensed business, with Dance Permit will be presented to the City Commission on September 27, 2005. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

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September 23, 2005

Ms. Bonnie Witt, President
Beachwood/Bluffton Neigh. Assoc.
2261 Surfwood
Muskegon, MI 49441

Dear Ms. Witt:

We have received a letter from the Liquor Control Commission reference a request from Linne Lodge #57, Independent Order of Vikings to add New Outdoor Service (1 area) to be held in conjunction with their 2005 Club licensed business with Dance Permit located at 3132 Lakeshore Drive. On Tuesday, September 27, 2005, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on September 27, 2005, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

9-27-05

Received a call from Bonnie Witt, President of the Beachwood/Bluffton Neighborhood Association reference the request from Linne Lodge #57, Independent Order of Vikings to add a New Outdoor Services (1 area) to be held in conjunction with their 2005 Club licensed business with Dance Permit. Bonnie stated that no one has a problem with the request; but that if they have music on the deck, it not be played after 10:00 p.m. or 10:30 p.m.

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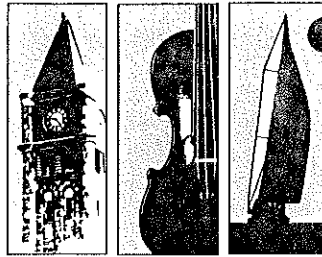
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FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

October 12, 2005

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

REF: #316533
Linne Lodge #57
3132 Lakeshore
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution and Law Enforcement Recommendation for Linne Lodge #57. This was recommended for approval at the September 27, 2005, City Commission Meeting.

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

Sincerely,

A handwritten signature in cursive script that reads 'Linda Potter'.

Linda Potter
Deputy Clerk

enc.

Commission Meeting Date: September 27, 2005

Date: September 19, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for properties located at 3800 Bluff and
1260 Browne Streets

SUMMARY OF REQUEST:

Request to rezone properties located at 3800 Bluff and 1260 Browne Streets, from R-1, Single Family Residential to OSR, Open Space Recreation.

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 9/15 meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2162

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from R-1 "Single Family Residential" to OSR "Open Space Recreation"

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 R-1 "Single Family Residential" to OSR "Open Space Recreation":

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 & 2 BLK 748 &
LAKE ST VAC ADJ TO LOT 1 ALSO W 1/2 BROWNE ST VAC N FROM S
LINE LOT 6 BLK 745 EXTENDED

And

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 4-5 & 6 BLK 745 &
LAKE ST VACATED ADJ TO SAID LOTS ALSO E 1/2 BROWNE ST VAC N
FROM S LINE OF LOT 6 BLK 745

This ordinance adopted:

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

Nays: None

Adoption Date: September 27, 2005

Effective Date: October 13, 2005

First Reading: September 27, 2005

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of 3800 Bluff and 1260 Browne Streets R-1 to OSR)

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 27th day of September, 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: 9-29, 2005.

Gail A. Kunderger
Gail A. Kunderger, 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**

September 15, 2005

Hearing; Case 2005-30: Staff initiated request to rezone the properties located at 3800 Bluff and 1260 Browne Streets from R-1, One Family Residential to OSR, Open Space Recreation.

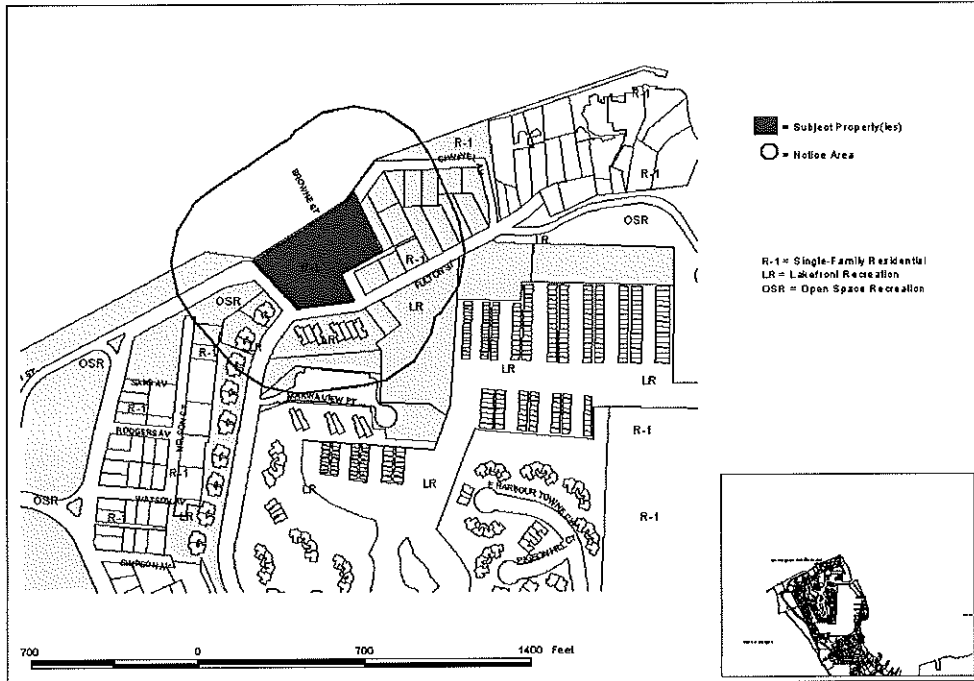
BACKGROUND

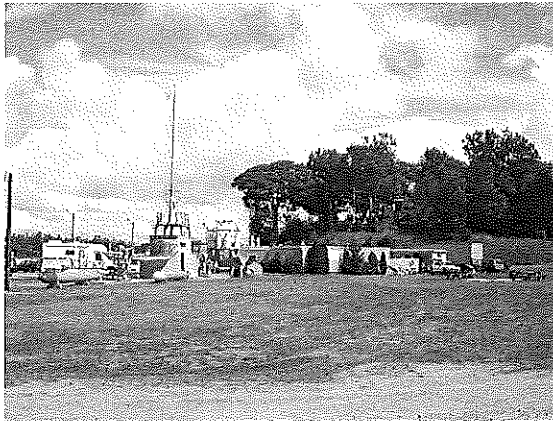
<u>Applicant:</u>	City of Muskegon
<u>Property Address/Location</u>	3800 Bluff Street and 1260 Browne Street
<u>Request:</u>	Rezone from R-1, One Family Residential to OSR, Open Space Recreation
<u>Present Land Use:</u>	Naval Museum complex
<u>Zoning:</u>	R-1, One Family Residential

STAFF OBSERVATIONS

1. These two parcels contain the Great Lakes Naval Museum and it's associated structures.
2. It appears that the museum has been operating without a special use permit in an R-1 zone since it first docked at the City property. It enjoys legal nonconforming status at this time, but would like to expand.
3. What brought this situation to light were discussions regarding constructing a new museum and consolidating everything into one building. Staff feels it would be best to rezone the property at this time and then have the Museum apply for a Special Use Permit.
4. The City's Master Plan Future Land Use Map shows this property at "Public/Quasi Public".
5. The Master Plan also suggests that the Silversides should be moved to a downtown location, however that doesn't look likely at any time in the future.
6. Staff has received no comments regarding this request.

City of Muskegon
Planning Commission
Case # 2005-30 & 31





RECOMMENDATION

Staff recommends approval of the request to rezone the subject properties from R-1 to OSR, because the request conforms to the goals and recommendations of the 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 3800 Bluff and 1260 Browne Streets from R-1, One Family Residential district to OSR, Open Space Recreation 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 September 27, 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 R-1 "Single Family Residential" to OSR, "Open Space Recreation":

CITY OF MUSKEGONREVISED PLAT OF 1903LOTS 1 & 2 BLK 748 &
LAKE ST VAC ADJ TO LOT 1ALSO W 1/2 BROWNE ST VAC N FROM S
LINE LOT 6 BLK 745 EXTENDED

And

CITY OF MUSKEGONREVISED PLAT OF 1903LOTS 4-5 & 6 BLK 745 &
LAKE ST VACATED ADJ TO SAID LOTS ALSO E 1/2 BROWNE ST VAC N
FROM S LINE OF LOT 6 BLK 745

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 3, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: March 25 2005

Date: September 19, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to amend the definitions for "Hotel" and "Motel".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the definitions for "Hotel" and "Motel".

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 9/15 meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2163

An ordinance to amend Article II (Definitions) of the Zoning Ordinance to amend the definitions for "Hotel" and "Motel".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) is hereby amended for the following definitions for "Hotel" and "Motel":

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

Hotel: A building or part of a building, with a common entrance or entrances, in which lodging is provided and offered to the public for compensation and which is open to transient guests (as distinguished from a boarding house or lodging house, apartment hotel, fraternity or sorority house) ~~in which rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:~~

1. Maid service.
2. Furnishing of linen.
3. Telephone, secretarial, or desk service.
4. Room service.

~~A hotel may include~~ A restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms **may be located in the same building as a hotel.**

Motel: A building or group of buildings, whether detached or in connecting units, ~~used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off street parking facilities.~~ **which shall provide for overnight or resort lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.** The term motel shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

This ordinance adopted:

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

Nays: None

Adoption Date: September 27, 2005

Effective Date: October 13, 2005

First Reading: September 27, 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 27th day of September, 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: 9-29, 2005.

Gail A. Kunderger
Gail A. Kunderger, 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 September 27, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) of the Zoning Ordinance to amend the definitions for "Hotel" and "Motel".

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 3, 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

September 15, 2005

Hearing; Case 2005-33: Staff initiated request to amend Article II (Definitions) of the Zoning Ordinance to amend the definitions for "Hotel" and "Motel".

BACKGROUND

Since the present definitions are rather broad, staff feels that some tightening of the requirements for hotels and motels would be in the best interest of the City's Waterfront Marine districts. These changes would more clearly state the intent of the definitions of a "hotel" or "motel".

NEW LANGUAGE

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

*Hotel: A building or part of a building, with a common entrance or entrances, in **which lodging is provided and offered to the public for compensation and which is open to transient guests (as distinguished from a boarding house or lodging house, apartment hotel, fraternity or sorority house)** ~~in which rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:~~*

1. Maid service.
2. Furnishing of linen.
3. Telephone, secretarial, or desk service.
4. Room service.

~~A hotel may include~~ A restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms **may be located in the same building as a hotel.**

Motel: A building or group of buildings, whether detached or in connecting units, ~~used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities,~~ **which shall provide for overnight or resort lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.** The term motel shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

DELIBERATION

I move that the amendment to Section 2501 (Creation and Membership), Article II (Definitions), of the Zoning Ordinance to amend the definitions for “Hotel “ and “Motel”, be recommended to the City Commission for (approval/denial).

Date: September 27, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement By:
Muskegon Masonic Temple Association

SUMMARY OF REQUEST:

Muskegon Masonic Temple has requested your permission to upgrade the existing awning at the entrance of the building. The awning will follow the same footprints as the existing awning (built in 1972) and be installed by Muskegon Awning.

The new awning will extend over the sidewalk at 396 W. Clay Ave.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement with the supplemental conditions.

COMMITTEE RECOMMENDATION:



Muskegon Masonic Temple

396 W. Clay Avenue
Muskegon, MI 49440
231/722-2411

September 15, 2005

City of Muskegon
Engineering Department
933 Terrace Street
Muskegon, MI 49441

RE: Request for Encroachment Agreement in conjunction with new awning project at
396 W. Clay Avenue

Dear Sir:

The Muskegon Masonic Temple desires to put in place a new awning to replace the existing structure with the footprint the same as the existing awning. The new awning would present an attractive and updated look to the entrance of the Masonic Temple located at 396 West Clay Avenue. It is my understanding that we are required to put in place an encroachment agreement with the city before any permits for the awning can be issued.

Enclosed is the following:

- Encroachment Agreement signed by two members of the Board of Directors of the Muskegon Masonic Temple Association: Ralph E. Frid and Thomas F. Schultz
- A drawing rendered by Muskegon Awning of the new awning
- A certificate of additional insured naming the City of Muskegon from our liability carrier
- Check in the amount of \$100 for your requisite fee
- A photo of the existing structure which has been in place since 1972

Please advise if there is anything else required of the Muskegon Masonic Temple. It is our understanding that both Muskegon Awning Company and Balasco Electric are fully licensed and bonded contractors.

Sincerely,

Diana L. Coleman, Manager
Muskegon Masonic Temple
Enc.

Email: masonictemple@verizon.net

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 27th day of September 2005, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and Muskegon Masonic Temple Assoc. (hereinafter called LICENSEE).

RECITALS

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

a new awning to replace existing awning
at 396 W. Clay Avenue

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

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

that portion of the city sidewalk where awning
at 396 W. Clay where current awning is now.

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

THEREFORE,

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

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

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

2. That LICENSEE shall pay to the CITY for the privilege hereby granted the sum of Twenty-five Dollars (\$ 25.00), such payment to be made upon the signing of this agreement to be dated as of the 27th day of September 2005, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 2010 unless sooner terminated as hereinafter provided.

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

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

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

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

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

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

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

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

Witnesses:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

Diana Coleman

Diana Coleman

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

And Gail A. Kundergei
Gail A. Kundergei, Clerk

LICENSEE:
[Signature]
Thomas R. Heston

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the awning and any removal or relocation that becomes necessary to facilitate other public improvement projects within said right of way (s).
- 2- Grantee will maintain, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- The City and/or its agents are not responsible for any damage to the awning.



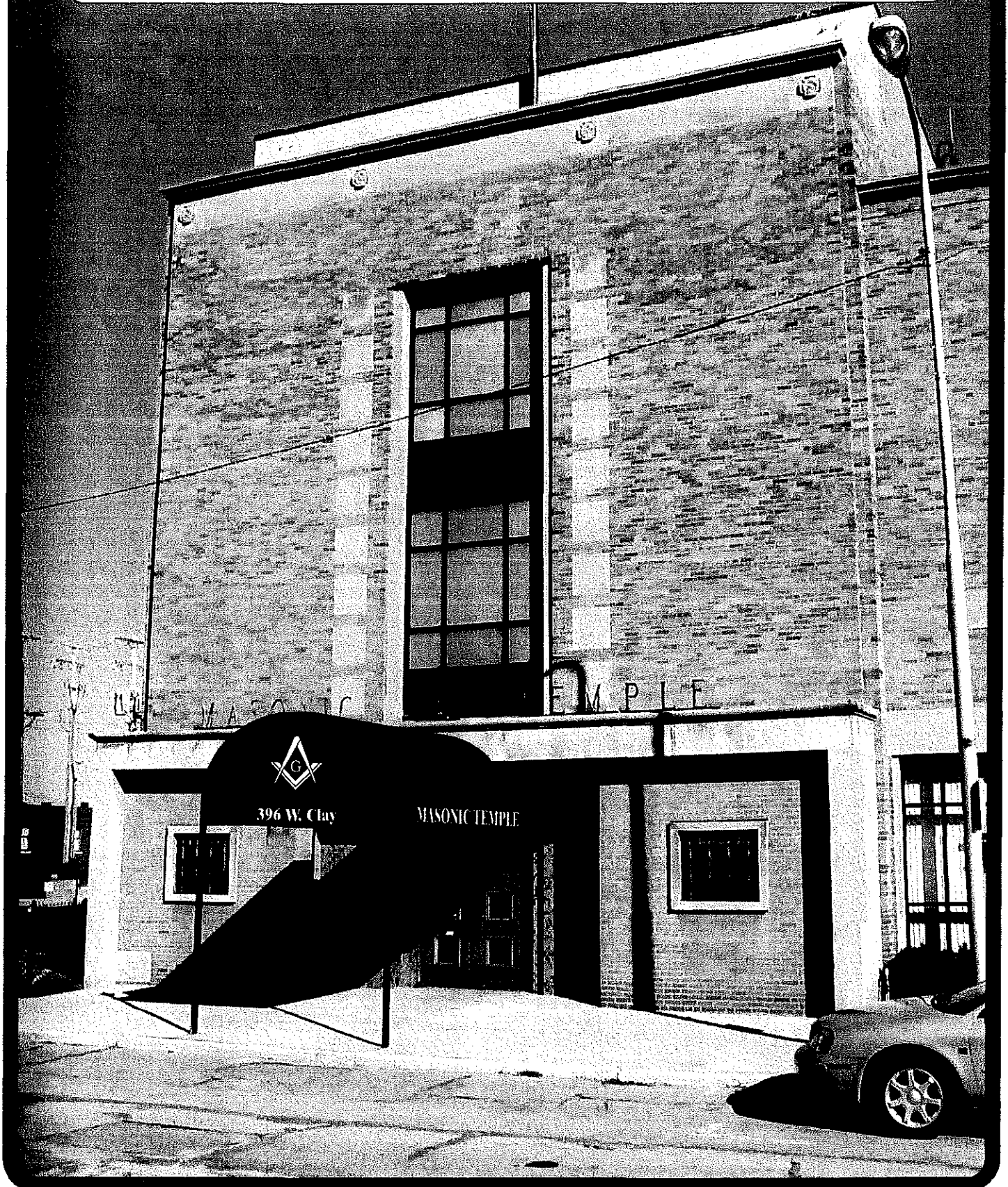
Please proof carefully for sizes, quantities, colors, spelling, position, dates, phone numbers, proper logos, etc. Colors displayed on this sheet are only approximate, but should be spelled out. We're sorry, but we can't accept any responsibility for proof errors if copy is approved. Work on this job begins when this artwork is given the signature of approval, and no sooner. Further changes may result in changes in the price. This artwork is the property of Muskegon Awning and may not be reproduced without the expressed permission of Muskegon Awning.

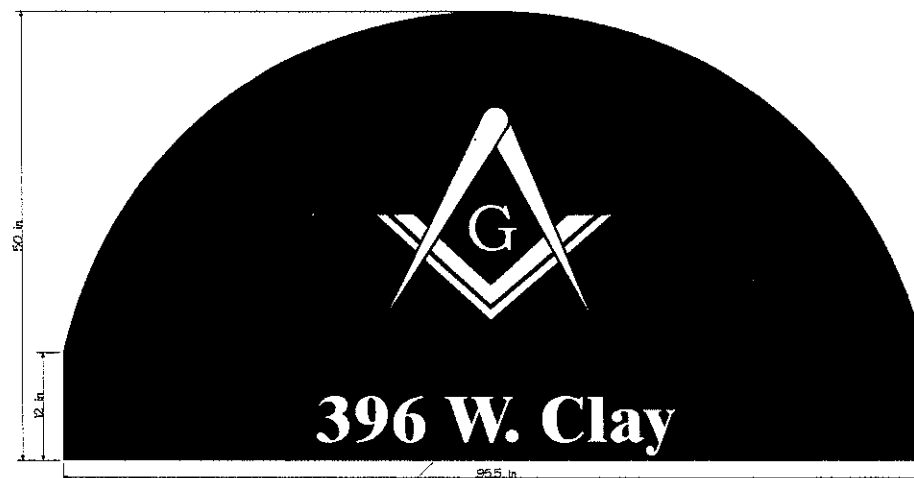
SIGNATURE OF APPROVAL _____

DATE _____

DATE OF THIS COPY: 7-7, 7-18, 8-9-2005

DESIGNER: Jake Luker - 759-0911 - jakeluker@muskegonawning.com





White Graphics

180 in

12 in
MASONIC TEMPLE



Please proof carefully for sizes, quantities, colors, spelling, position, dates, phone numbers, proper logos, etc. Colors displayed on this sheet are only approximate, but should be spelled out. We're sorry, but we can't accept any responsibility for proof errors if copy is approved. Work on this job begins when this artwork is given the signature of approval, and no sooner. Further changes may result in changes in the price. This artwork is the property of Muskegon Awning and may not be reproduced without the expressed permission of Muskegon Awning.

SIGNATURE OF APPROVAL _____ DATE _____

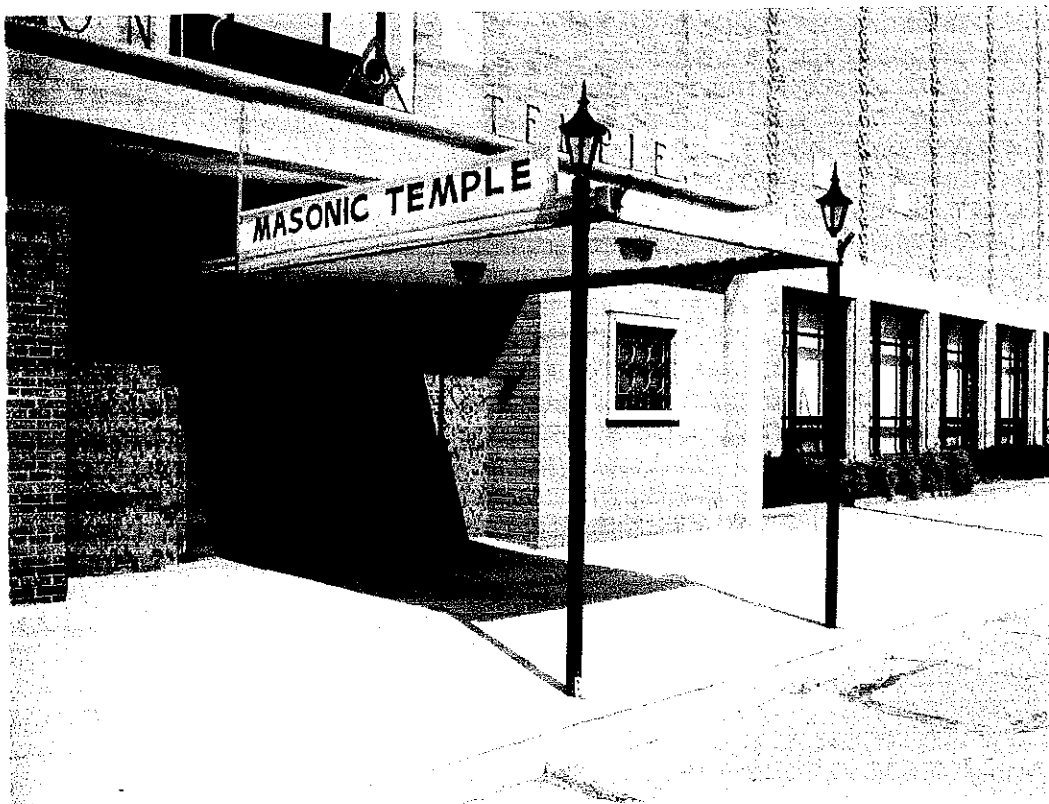
DATE OF THIS COPY: 7-7, 7-18, 8-9-2005

DESIGNER: Jake Luker - 759-0911 - jakeluker@muskegonawning.com

ACORD CERTIFICATE OF LIABILITY INSURANCE						DATE (MM/DD/YY) 09/06/05
PRODUCER CLOETINGH-SEAWAY GENERAL AGENCY INC 1275 PECK STREET MUSKEGON MI 49441-2198				THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
INSURED MASONIC TEMPLE ASSOC 396 W. CLAY MUSKEGON MI 49440				COMPANIES AFFORDING COVERAGE		
				COMPANY A FREMONT MUTUAL INSURANCE CO		
				COMPANY B THE TRAVELERS COMPANIES		
				COMPANY C COMPANY D		
COVERAGES THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☒ CLAIMS MADE ☐ OCCUR ☐ OWNER'S & CONTRACTOR'S PROT	P021781	7/01/05	7/01/06	GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 PERSONAL & ADV INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ 100,000 MED EXP (Any one person) \$ 5,000	
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$	
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$	
	EXCESS LIABILITY ☐ UMBRELLA FORM ☐ OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$	
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: ☐ INCL ☐ EXCL	6KUB931X9154	9/12/04	9/12/05	X WC STATU- ☐ OTH- TORY LIMITS ☐ ER EL EACH ACCIDENT \$ 100,000 EL DISEASE-POLICY LIMIT \$ 500,000 EL DISEASE-EA EMPLOYEE \$ 100,000	
	OTHER					
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS ADDITIONAL INSURED IN RESPECT TO AWNING PROJECT						
CERTIFICATE HOLDER CITY OF MUSKEGON 933 TERRACE MUSKEGON, MI 49441				CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.		
AUTHORIZED REPRESENTATIVE <i>Stephon P. Vanderwater</i> STEPHON P VANDERWATER				© ACORD CORPORATION 1998		



Existing
Awning
erected
1972



		6902	
HILLS MUSKEGON MASONIC HOUSE COMMITTEE			
MUSKEGON, MI 49440			
		DATE	9-1-2005
PAY TO THE ORDER OF		City of Muskegon	\$ 100.00
One hundred			DOLLARS
National City®			
www.nationalcity.com			
National City Bank of Michigan/Illinois			
Kalamazoo, Michigan			
FOR	Awning project fee	Donna A. R...	MP
⑈00006902⑈ ⑆072000915⑆ 0004286724⑈			

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

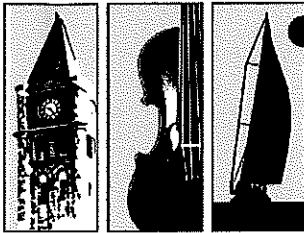
Public Works
(231)724-4100
FAX (231)722-4188

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

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

Water Filtration
(231)724-4106
FAX (231)755-5200

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

INVOICE

Date: 10-12-05

Muskegon Masonic Temple
396 W. Clay Avenue
Muskegon, MI 49440

Certificate fee for the awning at 396 W. Clay: \$25.00

Please make check payable to:
City of Muskegon
Clerk's Office
933 Terrace Street
Muskegon, MI 49440

If you have any questions, please call 724-6915.

Thank you,

Linda Potter

HILLS MUSKEGON MASONIC TEMPLE ASSN

PH. 231-722-2411
396 W. CLAY AVENUE
MUSKEGON, MI 49440

741

25-80/440
BRANCH 501

DATE 10/20/05

PAY
TO THE
ORDER OF

City of Muskegon

\$ 25.00

DOLLARS



ELITE

The Raymond James Investment Account

Code _____
For Check Verification Call 1-800-759-9787
JP Morgan Chase Bank, N.A., Columbus Ohio 43271

FOR

Encroachment fee

Donald J. Burton

⑈000741⑈ ⑆044000804⑆ 475229176412⑈

Date: September 27, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
**RE: Request for Encroachment Agreement On
Jefferson & Clay**

SUMMARY OF REQUEST:

Volunteer Muskegon has requested your permission to place three (3) planters along Jefferson/Clay area closest to their office at 880 Jefferson. The planters would be about three feet in diameter similar to those along Lakeshore Dr. This request is unusual in the respect that it is for ten (10) years instead of the standard five (5) years.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement with the supplemental conditions.

COMMITTEE RECOMMENDATION:

To: Lee Slaughter

From: Martha Bottomley

Volunteer Muskegon is requesting permission to place three planters along Jefferson and Clay close the Volunteer Muskegon office which is located at 880 Jefferson.

The Youth volunteer Corps working with a Title V grant has remaining money to do a project. The youth elected to purchase the planters like to ones along 3rd street, Lakeside and Western Avenue. Volunteer Muskegon and the Youth Volunteer Corps will take responsibility to maintain the planters. We can with the grant money pay the initial fees and the fees for the five years a one time.

These planters will be ordered immediately and filled with fall flowers and flowers planted again in the spring.

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 27th day of September 2005, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and Volunteer Muskegon (hereinafter called LICENSEE).

RECITALS

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

3 planters # 30 HR (similar to the planters
along Western & 3rd Streets

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

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

Jefferson & Clay

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

THEREFORE,

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

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

This grant is subject to the following special conditions: SEE ATTACHED

2. That LICENSEE shall pay to the CITY for the privilege hereby granted the sum of Two hundred twenty-five Dollars (\$ 225⁰⁰), such payment to be made upon the signing of this agreement to be dated as of the 27th day of September 2005, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 2015 unless sooner terminated as hereinafter provided.

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

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

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

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

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

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

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

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

Witnesses:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

Patrice M. Bice

CITY OF MUSKEGON

By Stephen J. Warmington
Stephen J. Warmington, Mayor

And Gail A. Kundinger
Gail A. Kundinger, Clerk

LICENSEE:
Monika Bottomley

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the planters and any removal or relocation that becomes necessary to facilitate other public improvement projects within said right of way (s).
- 2- Grantee will maintain, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- The City and/or its agents are not responsible for any damage to the planters.
- 5- The planters would be placed NO closer than two (2) feet from the back of the street's back of curb while maintaining a minimum of five (5) feet of clear pedestrian path in line with established sidewalk on Jefferson & Clay.

VOLUNTEER MUSKEGON

003471

From:

Date: 09/21/05

Amount: 100.00

Memo:

City of Muskegon Title V



Volunteer Muskegon

880 JEFFERSON SUITE A
MUSKEGON, MI 49440
PH. (231) 722-6600

COMERICA BANK - N.A.
Muskegon, MI 49443

9-9/720

003471

CHECK NO.

DATE 09/21/05

AMOUNT 100.00

One Hundred And 00/100 Dollars***

PAY
TO THE
ORDER
OF

City of Muskegon
933 Terrace St., PO Box 536
MUSKEGON, MI 49443

Manha Jane Bottomley

⑈003471⑈ ⑆072000096⑆ 1850274356⑈

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

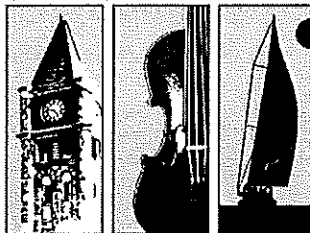
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

INVOICE

Date: 9-30-05

Volunteer Muskegon
880 Jefferson
Muskegon, MI

Certificate fee for three planters along Jefferson/Clay
Area for 2005 - 2015:

\$225.00

Please make check payable to:
City of Muskegon
Clerk's Office
933 Terrace Street
Muskegon, MI 49440

Paid 9-30-05

MEMORANDUM

To: Mayor and Commissioners
From: Lee J. Slaughter, Assistant City Manager
Date: September 21, 2005
Re: Softball World Contract Extension with Muskegon Township

SUMMARY BACKGROUND:

The City Leisure Services Department has a contract with Muskegon Township for the use of Softball World. The contract expires on November 1, 2005. Due to the need to complete a thorough assessment of the continuation of the Softball Program, a one-year extension of the contract was requested and granted by Muskegon Township. Staff is requesting official authorization by the Commission to allow the Mayor and Clerk to sign the one-year extension.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To authorize the Mayor and Clerk to sign the one-year extension of the Contract with Muskegon Township for the use of Softball World

COMMITTEE RECOMMENDATION:

New One-year Contract

**FIRST AMENDMENT
INTERGOVERNMENTAL AGREEMENT BETWEEN
CITY OF MUSKEGON AND CHARTER TOWNSHIP OF MUSKEGON**

THIS AGREEMENT is effective on this 6th day of August 2005,
between the CITY OF MUSKEGON, OF 933 Terrace Street, Muskegon, Michigan,
("CITY") and CHARTER TOWNSHIP OF MUSKEGON, of 1990 E. Apple Avenue,
Muskegon, Michigan, ("TOWNSHIP").

THIS AGREEMENT amends the agreement between CITY and TOWNSHIP,
dated April 1, 2003.

Background

A. In 2003, CITY contracted with Muskegon Township to use Softball World fields for its recreational summer and fall softball leagues. That contract was for the period of April 1, 2003 through November 1, 2005.

B. CITY desires to extend the contract for an additional one-year period (November 1, 2006).

Incorporating the above introductory provision and the statement of purpose, the parties agree:

1. To extend the contract for the use of Softball World for the duration outlined above, with the condition that team fees and charges for the 2006 season are not increased.

The parties have executed this agreement with the consent and approval of their governing bodies. It is effective on the effective date set forth above.

MUSKEGON CHARTER TOWNSHIP,

Date Signed: Sept. 7, 2005

By Patrick Jordan
Supervisor

CITY OF MUSKEGON
A Michigan municipal corporation,

Date Signed: September 13, 2005

By Stephen Warmington
Its Mayor

Date Signed: September 14, 2005

And Gail A. Kunding
Gail A. Kunding, Its Clerk

MEMORANDUM

To: Mayor and City Commissioners
From: Lee J. Slaughter, Assistant City Manager
Date: September 21, 2005
Re: Softball World Contract with Muskegon Township One-Year Extension

This memorandum is being provided to clarify the Softball World Contract that is on the Commission Agenda for September 27, 2005. I am asking you for official authorization to allow the Mayor and Clerk to sign a one-year contract extension with Muskegon Township for the use of Softball World. The problem is that my request is retroactive. The Contract has already been signed by the Mayor and Clerk, but not distributed, pending your official action. The terms of the Commission Purchasing Policy requiring Commission approval for all expenditures \$8,000 and above, did not occur to me until after the contract was signed. The terms of the current Softball World Contract is \$8500. (See attached).

You will observe that all terms of the current contract remain AS IS. There's no change from the terms of the current.

Your understanding in this matter would be very much appreciated.

Thank you.

C: Bryon Mazade, City Manager

Current Contract

2003-18 (g)

LEASE AGREEMENT

THIS AGREEMENT, effective April 1, 2003, by and between the City of Muskegon, a Michigan municipal corporation, with offices at 933 Terrace St., Muskegon, Michigan 49443 (hereinafter referred to as "City"), and Muskegon Charter Township, a Michigan municipal corporation, with offices at 1990 Apple Avenue, Muskegon, Michigan 49442 (hereinafter referred to as "Township").

WITNESSETH:

WHEREAS, the Township is the owner and operator of four approved slow-pitch softball diamonds located at the corner of Mill Iron Road and Apple Avenue in Muskegon Township, Muskegon County, known as "Softball World;" and,

WHEREAS, the City desires to use Softball World's fields for its recreational summer and fall softball leagues; and,

WHEREAS, the Township desires that the City utilize its softball fields and said parties have negotiated and desire to put their several agreements in writing relating to the operation and management of Softball World,

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, it is agreed as follows:

1. Premises. The Township hereby agrees that the City for the term herein, and subject to the conditions contained herein, shall have the right to use the four softball fields owned by the Township known as "Softball World." During the term of this Agreement, the Township shall have the right to operate and manage the restaurant and bar concessions, or to enter into a concession agreement for the same.
2. Term. The term of this Agreement shall commence April 1, 2003, and continue in full force and effect, subject to its terms and conditions, until November 1, 2005, unless terminated earlier by agreement of both parties.
3. Compensation.
 - A. City agrees to pay the Township the following compensation for use of the premises:
 - i. Eight Thousand Five Hundred Dollars (\$8,500), per year (total lease obligation Twenty-five Thousand Five Hundred Dollars (\$25,500)), payable in four equal monthly installments of Two Thousand One Hundred and Twenty Five Dollars (\$2,125), with the first installment due April 1, 2003, and a like amount each three months thereafter, until paid in full. In addition, in the event the electricity bill during any one year period exceeds the sum of Four Thousand Dollars (\$4,000), per year, the City agrees to pay the extra amount over and above said Four Thousand Dollars (\$4,000), in addition to the sum set forth above.

(i) City agrees to provide all field maintenance (field maintenance is defined as the daily maintenance to keep the fields playable such as dragging & lining the fields, and mowing the grass in the playing field) and materials, such as diamond dry, fertilizer, bases, etc. to provide the daily maintenance.

(ii) City agrees to organize and manage the summer and fall recreational softball program to be operated at Softball World, including the assignment of practice fields before the season begins.

(iii) The Township, with the consent of the City, shall have the right to contract with another party for the maintenance of said softball fields, provided, however, that the City shall be responsible for the entire cost thereof.

4. Insurance.

A. City agrees to register all of its softball teams with the Amateur Softball Association and carry the maximum insurance permitted by said organization covering field owners and to name Muskegon Township as co-insured. The above policies of insurance shall be subject to the approval of the Township Attorney as to proper form and the amount of coverage. Copies of such policies shall be delivered to the Township for its records during the term of this agreement.

5. Obligations of Township.

- A. To pay all utility bills to said premises, except as otherwise set forth herein.
- B. To pay all taxes on said premises, including real and personal taxes, provided that it is determined that such taxes have been legally assessed.
- C. To carry, during the duration of this agreement, the following minimum insurance coverages:
 - (i) General liability insurance (premises and operations coverage):
 - (a) Bodily injury, comprehensive coverage limits of two million dollars per occurrence.
 - (b) Property damage limits of two million dollars per occurrence.
 - (c) Liquor liability insurance acceptable to the State of Michigan.
 - (ii) Workers disability compensation coverage on all employees of the Township in the required statutory amounts.

- (iii) The above policies of insurance shall be subject to the approval of the City Attorney as to proper form and amount of coverage. Copies of such policies shall be delivered to the City for its records during the term of this agreement.
- (iv) All of the above insurance, except the workers disability compensation insurance, must name the City as an additional insured.

6. Use of Premises.

A. During the term of this agreement, the premises may be used by the City on Monday through Sunday of the weeks from April 1 to November 1. The Township shall have the right to use said premises for the exclusive use of the Township residents upon reasonable notice to the City and at reasonable times. The concession operator shall have the right to use said premises when the City is not using the same with reasonable notice.

B. This agreement is conditioned upon the understanding that the operation of the softball fields from Monday through Sunday of the weeks from April 1 to November 1 will be under the overall supervision of the City, and no portion of the premises may be leased, subleased, or assigned to any other person, firm, or corporation without the express prior written consent of the Township.

7. Conditions of Maintenance of Fields. The City shall maintain the softball fields at an acceptable level and to an acceptable degree. In no event shall the maintenance of said premises fall below the following general standards:

A. A manner equal to or greater than the level of maintenance at other public softball fields.

B. A manner consistent with good maintenance practice.

C. Such other conditions as the parties may mutually agree upon during the term of this agreement.

D. In the event the fields are not maintained in a satisfactory manner to the Township, the Township shall have the right to maintain said fields in a proper manner, and charge the costs of same to the City.

8. Structure of Premises. Except as otherwise provided herein, the Township shall have the exclusive use of all buildings on the premises including but not limited to, the concession stand, maintenance building, and small shed, provided the City shall have use of the maintenance building for storage of equipment and materials.

9. Binding Effect. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.

10. Applicable Law. This agreement shall be interpreted under the laws of the State of Michigan.

11. Arbitration of Disputes. In case of any dispute between the parties hereto arising, which cannot be resolved on the terms of this agreement, such dispute shall be settled by binding arbitration between the parties, with the arbitrator having been appointed in accordance with the following procedures:

A. The parties shall meet and attempt to mutually agree upon an arbitrator.

B. Should the parties fail to agree upon an arbitrator, the parties shall each submit two names upon a list of four persons which shall be presented to the then presiding circuit judge for the County of Muskegon, State of Michigan, who shall from that list appoint the arbitrator. The arbitrator's opinion shall be binding and said award may be entered and ordered in any court having requisite jurisdiction.

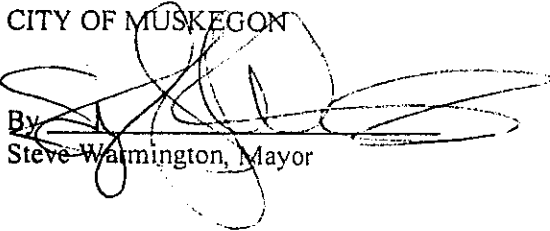
12. Renewal. If the City intends to enter into negotiations for the renewal of this Lease, City shall give the Township thirty (30) days written notice thereof.

13. Notices. Notices to either party to this agreement shall be sufficient if sent by certified mail, postage prepaid addressed as follows:

To the City: Director of Leisure Services, City Hall, 933 Terrace Street,
Muskegon, MI 49443

To the Township: Supervisor, Muskegon Charter Township, 1990 Apple
Avenue, Muskegon, MI 49442.

CITY OF MUSKEGON

By 
Steve Warmington, Mayor

TOWNSHIP OF MUSKEGON, MICHIGAN

By 
P. Don Aley, Supervisor

ATTEST:


Gail A. Kunderger, Clerk

Commission Meeting Date: September 27, 2005

Date: September 19, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *UBC*
RE: Zoning Ordinance Amendment to the Zoning Ordinance
Language for Creation and Membership (Zoning Board of Appeals)

SUMMARY OF REQUEST:

Request to amend Section 2501 (Creation and Membership) of Article XXV, Zoning Board of Appeals to mirror the State of Michigan Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the "Creation and Membership" language to mirror the State of Michigan Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 9/15 meeting. The vote was unanimous in favor of the amendment, with B. Smith absent.

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

August 11, 2005

Hearing; Case 2005-32: Staff initiated request to amend Section 2501, Article XXV (Zoning Board of Appeals) of the zoning ordinance, to amend the language on Creation and Membership, to mirror the State Zoning Act that requires a 2/3 concurring vote of members to grant a use variance.

BACKGROUND

Although the State Zoning Act clearly states that a 2/3 concurring vote of members is required to grant a use variance, our Muskegon Zoning Ordinance doesn't contain this language. Since the State statute must be adhered to, this language should be incorporated into the Muskegon ordinance for clarity.

NEW LANGUAGE

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

SECTION 2501: CREATION AND MEMBERSHIP

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of seven (7) members appointed by the City Commission, and shall include one (1) member of the City Commission and one (1) member of the Planning Commission. Every member shall be a legal resident of the City. The term of the representative of the City Planning Commission and the term of the City Commission representative shall expire with that of his/her Planning Commission or City Commission office. The terms of all members except the representative of the City Planning Commission and the City Commission shall be for periods of three (3) years each. The ZBA shall annually elect its own Chairman and Vice-Chairman.

The presence of four (4) members shall constitute a quorum. The ZBA shall act by resolution. The concurring vote of four (4) members of the ZBA shall be necessary to reverse any order requirement, decision, or determination of the Zoning Administrator or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance., **except that a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land permitted in this ordinance.**

The ZBA may call on any other City department for assistance in the performing of its duties, and it shall be the duty of any such department to render such assistance to the ZBA as may reasonably be required.

The City Commission may remove a member of the ZBA for non-performance of duty or misconduct in office. Misconduct shall include but not be limited to failure of members to disqualify themselves from a vote in which that member has a conflict of interest.

DELIBERATION

I move that the amendment to Section 2501, Article XXV (Zoning Board of Appeals), to amend the language on "Creation and Membership", to mirror the State Zoning Act that requires a 2/3 concurring vote of members to grant a use variance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2164

An ordinance to amend Section 2501 (Creation and Membership) of Article XXV (Zoning Board of Appeals) of the Zoning Ordinance to amend the ordinance language regarding "a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2501 (Creation and Membership) of Article XXX (Zoning Board of Appeals) is hereby amended to include language regarding "a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land":

SECTION 2501: CREATION AND MEMBERSHIP

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of seven (7) members appointed by the City Commission, and shall include one (1) member of the City Commission and one (1) member of the Planning Commission. Every member shall be a legal resident of the City. The term of the representative of the City Planning Commission and the term of the City Commission representative shall expire with that of his/her Planning Commission or City Commission office. The terms of all members except the representative of the City Planning Commission and the City Commission shall be for periods of three (3) years each. The ZBA shall annually elect its own Chairman and Vice-Chairman.

The presence of four (4) members shall constitute a quorum. The ZBA shall act by resolution. The concurring vote of four (4) members of the ZBA shall be necessary to reverse any order requirement, decision, or determination of the Zoning Administrator or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance, **except that a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land permitted in this ordinance.**

The ZBA may call on any other City department for assistance in the performing of its duties, and it shall be the duty of any such department to render such assistance to the ZBA as may reasonably be required.

The City Commission may remove a member of the ZBA for non-performance of duty or misconduct in office. Misconduct shall include but not be limited to failure of members to disqualify themselves from a vote in which that member has a conflict of interest.

This ordinance adopted:

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

Nays: None

Adoption Date: September 27, 2005

Effective Date: October 13, 2005

First Reading: September 27, 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 27th day of September, 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: 9-29, 2005.

Gail A. Kunderger
Gail A. Kunderger, 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 September 27, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2501 (Creation and Membership) of Article XXX (Zoning Board of Appeals) to amend the zoning ordinance language regarding "a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land".

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 3, 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

Date: 09/27/05
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor
RE: Budgeted GPS Purchase

SUMMARY OF REQUEST: Approval to purchase 20 GPS receivers and components from Advanced Tracking Technologies.

FINANCIAL IMPACT: Cost \$26,945.85

BUDGET ACTION REQUIRED: None. There is \$32,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of 20 GPS receivers and components from Advanced Tracking Technologies.

Memorandum

To: Honorable Mayor and Commissioners
From: Brett Kraley, Equipment Supervisor
Date: 9/20/2005
Re: GPS

The Equipment Division has budgeted in 2005 for the installation of twenty "real time" Global Positioning System (GPS) receivers in our vehicles and equipment. The initial purchase includes all of the software, maps, and hardware. We plan to add additional units each year until all daily use vehicles are being monitored.

GPS is a proven tool that helps reduce operating costs and manage mobile assets more efficiently. This is accomplished with GPS by:

- Proving or disproving public claims. If a citizen claims that a plow truck hit a parked car, we can verify if we had trucks in the area. It also allows us to give citizens information on services that have been complete or a timeframe in which they will be completed. I.e., when roads will be plowed.
- Increased security. If a city vehicle is stolen or being driven without permission, it could be tracked immediately.
- Aiding supervision in dispatching more effectively. Knowing the exact location of crews would enable supervision to choose the crew nearest the service request area.
- Improving employee efficiency by monitoring coffee and lunch breaks. At this time, supervision can make only spot checks because they cannot be in multiple places at one time.
- Employee Safety. In one particular case, an employee slipped and fell while exiting a plow truck during a snowstorm. The supervisor

saw that the truck had not moved and was able to go directly to the location and call for help.

- Reducing fuel costs. Companies have realized fuel savings of 20-25% by assuring that drivers are going where they are supposed to and nowhere else.

The Equipment Division looked at dozens of different GPS systems before choosing Advanced Tracking Technologies from Houston, Texas as our supplier. The system uses it's own 900 MHz receiver to track and report vehicle location. There are no monthly cellular telephone bills or other costs once the system is in place.

Date: 09/27/05
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor
RE: Fuel Sales

SUMMARY OF REQUEST: Approval to waive the 15% administrative fee on outside fuel sales to Muskegon Public Schools.

FINANCIAL IMPACT: \$5,000 in revenue depending on fuel consumption.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve waiving administrative fee.