

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 13, 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 Location Request – Port City Cruise Line, Inc.
CITY CLERK
 - C. Liquor License Transfer of Ownership Request – Ruby Tuesday. CITY CLERK
 - D. Resolution for Charitable Gaming License. CITY CLERK
 - E. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT
 - F. County Wastewater Easements. CITY MANAGER
 - G. Approval of Contractor for Completion of Rehabilitation of Structure at 458-460 Mulder. COMMUNITY & NEIGHBORHOOD SERVICES
 - H. City-County Agreement for Community Development Block Grant Funds (Neighborhoods of Choice). PLANNING & ECONOMIC DEVELOPMENT
 - I. Request for an Encroachment Agreement (Laketon & Henry, Northwest Corner). ENGINEERING
- ❑ PUBLIC HEARINGS:
 - A. 2006 Budget Adoption. FINANCE

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

A. Tool & Die Recovery Zone Status for Northern Machine Tool. PLANNING
& ECONOMIC DEVELOPMENT DEPARTMENT

B. Filter Turbidimeter Replacement. WATER FILTRATION

C. Seyferth Park Skate Ramp. CITY MANAGER

❑ **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 13, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 23, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 13, 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 13, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor D. L. Rogers from Zion Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2005-82 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 23, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

C. Liquor License Transfer of Ownership Request – Ruby Tuesday. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from RT Michiana Franchise, LLC, to transfer interest in the 2005 12-months Resort Class C licensed business by dropping Jerry Smith as a member thru transfer of his 99% interest to existing member, Ruby Tuesday, Inc., and by adding RT One Percent Holdings, Inc., as a new member thru transfer of 1% interest from existing member, Ruby Tuesday, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent upon final inspection.

D. Resolution for Charitable Gaming License. CITY CLERK

SUMMARY OF REQUEST: Deaf/Hard of Hearing Connection, 3391 Merriam Street, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. The event will be at Heritage Landing. Due to time constraints, they are coming to us after the event (permission has been given by the State). They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

E. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The State of Michigan is offering the City a number of tax-reverted properties acquired prior to 2002 and available to us under the "old program" for the bargain price of \$300 for the first five properties and \$20 for each additional property after that. Since the City continues to mow and maintain these lots, even though they are State-owned, it would be advantageous to the City to take ownership of them. We can then attempt to sell them and get them back on the tax rolls. The Community and Neighborhood Services Department will be obtaining seven of the properties from the list for their program, one of which is a home to rehabilitate.

FINANCIAL IMPACT: Total cost of the 32 properties is \$840.

BUDGET ACTION REQUIRED: Expend the additional \$840 necessary to purchase these parcels.

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval at their regular meeting of August 23, 2005.

F. County Wastewater Easements. CITY MANAGER

SUMMARY OF REQUEST: To approve two agreements with Muskegon County which grants easements to the County across City property for the purpose of the County constructing and maintaining water lines.

FINANCIAL IMPACT: \$1,600 in revenue to the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the two easement agreements.

G. Approval of Contractor for Completion of Rehabilitation of Structure at 458-460 Mulder. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Nobles Incorporated, 210 East Broadway, Muskegon, MI for the completion of the rehabilitation of the City-owned home at 458-460 Mulder for \$68,439. Operation: Two will be made into one. This present two-unit structure will be converted into a single family home in order to be more conforming to the immediate neighborhood. After the rehabilitation is completed, the home will be marketed to qualified eligible first-time homebuyers.

Two other bids were received for this project:

Top Notch Design	
4740 Jenson, Fruitport	\$96,995

Lewis Johnson Builders	
1607 Bonita Court, Grand Haven	\$82,800

FINANCIAL IMPACT: The funding for this project will be taken from the City's HOME funds from fiscal year 2004 and program income.

BUDGET ACTION REQUIRED: None required.

STAFF RECOMMENDATION: To approve the Community and Neighborhood Services request.

H. City-County Agreement for Community Development Block Grant Funds (Neighborhoods of Choice). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the agreement between the City and the County for the expenditure of Community Development Block Grant funds for the Neighborhoods of Choice project.

FINANCIAL IMPACT: The City will receive \$500,000 in grant funds from the State of Michigan, through the County of Muskegon for the project.

BUDGET ACTION REQUIRED: None.

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

I. Request for an Encroachment Agreement (Laketon & Henry, Northwest Corner). ENGINEERING

SUMMARY OF REQUEST: BLDI Environmental who is working with Ken's Super Service Station at the northwest corner of Laketon and Henry has submitted an encroachment agreement form requesting your permission to install five (5) monitoring wells in the area surrounding the aforementioned station. The wells would be installed in the public right of ways of Hudson, Laketon, Henry, and Division.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

J. Fireworks Display - Blue Corner Boxing. CITY CLERK

SUMMARY OF REQUEST: Blue Corner Boxing is requesting approval of a fireworks display permit for their boxing event at the L. C. Walker Arena on September 24, 2005. Fire Marshall Metcalf will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

K. Accept Resignation and Make Appointment to Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To accept the resignation from J. D. Wallace from the Zoning Board of Appeals, and appoint Carol Lynne Nash to the Loan Fund Advisory Committee.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

L. Approve Resolution Requests. CITY CLERK

SUMMARY OF REQUEST: To approve resolution requests for Muskegon Community Youth Group, Pioneer Resources, Stepfamily Association of America, and Babbitt Memorial Garden.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Vice Mayor Larson to approve the Consent Agenda as read with the exception of item B.

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

Nays: None

MOTION PASSES

2005-83 ITEM REMOVED FROM THE CONSENT AGENDA:

B. Liquor License Transfer of Location Request – Port City Cruise Line, Inc.
CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Port City Cruise Line, Inc. to transfer location of the 2005 Watercraft licensed business with dance-entertainment permit and 250 passengers from 1133 W. Western.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Davis, second by Commissioner Carter to approve the liquor license transfer of location request for Port City Cruise Line, Inc.

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

Nays: None

MOTION PASSES

2005-84 PUBLIC HEARINGS:

A. 2006 Budget Adoption. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2006. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website since September 1st. After hearing public comments, the City Commission may take action to adopt the 2006 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2005.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2006. As proposed, the budget includes no property tax increases.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2006.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2006 City of Muskegon Budget resolution. Also, approval of the 3rd Quarter 2005 Budget Reforecast as shown in the Budget Book is recommended at this time.

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. City Manager Bryon Mazade gave an overview. No public comments were made.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the

Public Hearing at 5:48 p.m. and approve the proposed 2006 Budget adoption and the 3rd Quarter 2005 Budget Reforecast.

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

Nays: None

MOTION PASSES

2005-85 NEW BUSINESS:

A. Tool & Die Recovery Zone Status for Northern Machine Tool. PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

SUMMARY OF REQUEST: To approve the development agreement and resolution establishing a Tool & Die Recovery Zone for Northern Machine Tool, 761 Alberta.

FINANCIAL IMPACT: The City will forego approximately \$7,300 per year for a total of approximately \$109,545 in taxes for the 15-year period of the zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Development Agreement and the resolution establishing a Tool and Die Recovery Zone, and authorize the Mayor and Clerk to sign.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the Development Agreement and resolution establishing a Tool and Die Recovery Zone for Northern Machine Tool.

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

Nays: None

MOTION PASSES

B. Filter Turbidimeter Replacement. WATER FILTRATION

SUMMARY OF REQUEST: To replace the existing ten filter turbidimeters at the Water Filtration Plant.

FINANCIAL IMPACT: \$19,500 plus shipping and handling. Installation will be made by staff.

BUDGET ACTION REQUIRED: This planned purchase is budgeted.

STAFF RECOMMENDATION: To purchase the ten filter turbidimeters from HACH Company at a cost of \$19,500 plus shipping and handling.

Motion by Commissioner Spataro, second by Commissioner Carter to authorize the purchase of ten filter turbidimeters.

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

Carter

Nays: None

MOTION PASSES

C. Seyferth Park Skate Ramp. CITY MANAGER

SUMMARY OF REQUEST: To purchase a new ramp for the Seyferth Park Skate Park from Sphon Ranch, Inc. from the City of Industry, CA in the amount of \$39,000 installed. Funds for the purchase will come from the Seyferth Fund within the Community Foundation for Muskegon County.

FINANCIAL IMPACT: \$39,000

BUDGET ACTION REQUIRED: Authorize necessary budget adjustments.

STAFF RECOMMENDATION: To approve the purchase of a 6' x 16' Mini Half Pipe Ramp (HD Series) from Sphon Ranch, Inc. which includes installation.

Motion by Commissioner Gawron, second by Commissioner Spataro to approve the purchase of a new ramp for the Seyferth Park Skate Park from Sphon Ranch, Inc.

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

Nays: None

MOTION PASSES

2005-86 PUBLIC PARTICIPATION: Request for flags and markers for St. Mary's and Sunrise Memorial Gardens Cemeteries.

Motion by Vice Mayor Larson, second by Commissioner Spataro to authorize staff to pay the total amount of \$6,599.74 one final time for Sunrise and St. Mary's Cemeteries with the understanding that in the future we will be responsible for cemeteries owned by the City only.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:24 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

Date: September 13, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Transfer Request
Ruby Tuesday
1710 E. Sherman

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from RT Michiana Franchise, LLC to transfer interest in the 2005 12 Months Resort Class C licensed business by dropping Jerry Smith as member thru transfer of his 99% interest to existing member, Ruby Tuesday, Inc. and by adding RT One Percent Holdings, Inc. as a new member thru transfer of 1% interest from existing member, Ruby Tuesday, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent upon final inspection.

MAILED 17-2505

Req ID # 313944

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

RESOLUTION

2005-82(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 13, 2005 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Larson

That the request from RT MICHIANA FRANCHISE, LLC (A DELAWARE LIMITED LIABILITY COMPANY) TO TRANSFER INTEREST IN 2005 12 MONTHS RESORT CLASS C LICENSED BUSINESS (MCL 436.531(2), LOCATED AT 1710 E. SHERMAN, MUSKEGON, MI 49440, MUSKEGON COUNTY, BY DROPPING JERRY SMITH AS MEMBER THRU TRANSFER OF HIS 99% INTEREST TO EXISTING MEMBER, RUBY TUESDAY, INC. AND BY ADDING RT ONE PERCENT HOLDINGS, INC. AS NEW MEMBER THRU TRANSFER OF 1% INTEREST FROM EXISTING MEMBER, RUBY TUESDAY, INC.

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 13, 2005.
(Date)

SEAL

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

(Mailing address of Township, City or Village)

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

RECEIVED

JUL 29 2005

LOCAL APPROVAL NOTICE

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

**MUSKEGON
CITY MANAGER'S OFFICE**

Req ID: 313944

Date: July 26, 2005

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

Applicant: **RT MICHIANA FRANCHISE, LLC (A DELAWARE LIMITED LIABILITY COMPANY)**

Home Address And Phone No:
RUBY TUESDAY, INC. (A GEORGIA CORPORATION), 7420 HITT ROAD, SUITE A, MOBILE, AL 36695
(251)634-4896

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

LIQUOR LICENSE REVIEW FORM

Business Name: Ruby Tuesday

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1710 E Sherman

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 ☒

O.O.S. = OUT OF ~~EXT LT. O.O.S.~~ / FIRE SAFETY INSURANCE O.O.S.
SERVICE
CLEARANCE OF COMBUSTIBLE MATERIALS
FROM SPRINKLER HEADS NOT MAINTAINED

Department Signature _____

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

OK per Major
10-11-05

LIQUOR LICENSE REVIEW FORM

Business Name: Ruby Tuesday

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1710 E Sherman

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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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

RECEIVED

AUG 2 2005

MUSKEGON POLICE DEPT.
CHIEF of POLICE

Department Signature JL Klevner

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

8-17-05

LIQUOR LICENSE REVIEW FORM

Business Name: Ruby Tuesday

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1710 E Sherman

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 Donna J. J.

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

LIQUOR LICENSE REVIEW FORM

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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 ☐

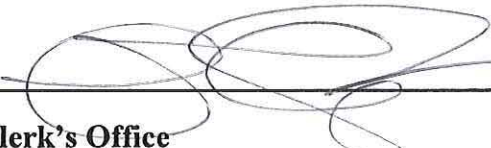
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature  _____

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

LIQUOR LICENSE REVIEW FORM

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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 Z. Caner

Please return to the City Clerk's Office

Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

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Operator/Manager's Name: _____

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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Jane Dempsey

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

LIQUOR LICENSE REVIEW FORM

Business Name: Ruby Tuesday

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 1710 E Sherman

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

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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. Kunding,
Liquor License Coordinator



Professional Corporation
Attorneys and Counsellors
at Law

38505 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304

(248) 901-4000
Fax (248) 901-4040
www.plunkettcooney.com

August 17, 2005

VIA OVERNIGHT MAIL

City of Muskegon
Clerk's Office
Attn: Linda
933 Terrace
Muskegon, MI 49440

RE: Licensee: RT Michiana Franchise, LLC
Location: 1710 East Sherman Ave., Muskegon, MI 49440

Dear Linda:

Pursuant to our telephone conversation of Tuesday, August 16, 2005, enclosed please find a check payable to the City of Muskegon in the amount of \$250 in payment of the required local application fee.

When you have received the police and all other needed reports, please have the matter placed on your agenda for approval and contact me and let me know if the matter needs to be attended by a representative of RT Michiana Franchise, LLC/Ruby Tuesday.

If you have any questions or require additional information, please feel free to contact me. Thank you for your assistance.

Very truly yours,

PLUNKETT & COONEY, P.C.

Scott D. Edwards
Direct Dial: (248) 901-4045
E-Mail: sedwards@plunkettcooney.com

Enclosure

Blmfield.11220.51899.676696-1

Blmfield.11220.51899.676696-1

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)724-4180
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



September 8, 2005

Mr. Scott D. Edwards
Plunkett & Cooney, P.C.
38505 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304

Dear Mr. Edwards:

This letter is to inform you that the request to transfer interest in the 2005 12-months Resort Class C licensed business located at 1710 E. Sherman, Muskegon, MI will be presented to the City Commission on September 13, 2005. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

Sincerely,

Linda Potter
Deputy Clerk

Affirmative Action
(231)724-6763
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
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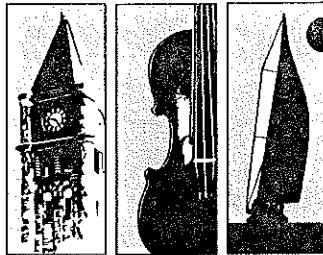
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FAX: (231)724-6768

Water Filtration
(231)724-4106
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: #313944
RT Michiana Franchise, LLC
1710 E. Sherman
Muskegon, MI 49444

To Whom It May Concern:

Enclosed is the Resolution for RT Michiana Franchise, LLC. This was recommended for approval at the September 13, 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 13, 2005
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Resolution for Charitable Gaming License
"Silent Celebration" for Texas Holdem

SUMMARY OF REQUEST: Deaf/Hard of Hearing Connection, 3391 Merriam Street, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. The event will be at Heritage Landing. Due to time constraints they are coming to us after the event (permission has been given by the State). They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



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

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

2005-82(d)

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Warmington on September 13, 2005
DATE

at 5:30 XXX a.m/p.m. the following resolution was offered:
TIME

Moved by Commissioner Carter and supported by Vice Mayor Larson

MOKA (dba Deaf/Hard of
that the request from Hearing Connection) of Muskegon
NAME OF ORGANIZATION CITY

county of Muskegon, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for Approval
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

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, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on September 13, 2005
DATE

SIGNED: Gail A. Kunderger
TOWNSHIP, CITY, OR VILLAGE CLERK

Gail A. Kunderger, MMC, City Clerk

PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440

ADDRESS

COMPLETION Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)

Internal Revenue Service

Department of the Treasury

District
Director

P.O. Box 2508
Cincinnati, OH 45201

MOKA Non Profit Services
Corporation

Person to Contact:
Lola Parrott

Telephone Number:
513-684-3957

Refer Reply to:
EP/EO

425 WEST WESTERN AVENUE
SUITE 304
MUSKEGON MI 49440

Date:

June 28, 1989

Employer Identification Number:
38-2227805

Dear Sir or Madam:

This is in response to your request for a copy of your determination letter.

Our records indicate that by a determination letter dated April 10, 1979 your organization was recognized as exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because you are an organization described in section 509(a)(1) and 170(b)(1)(A)(vi).

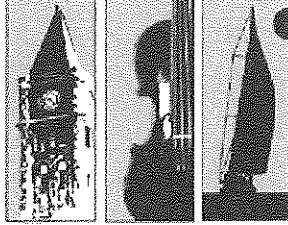
The classification was based on the assumption that your operations would continue as stated in the application. If your sources of support, or your purposes, character, or method of operations have changed, please let us know so we can consider the effect of the change on your exempt status and foundation status.

As of January 1, 1984, you are liable for taxes under Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

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

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

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

**City Clerk's Office
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705**

**INVOICE
9-7-05**

To: DHH Connection
W. Scott Peyton
3391 Merriam Street, Suite 101
Muskegon, MI 49444

Gaming license fee: \$5.00

Please detach and return this portion with your payment.

DHH Connection
Gaming license fee

INVOICE AMOUNT: \$5.00

PLEASE REMIT TO: City of Muskegon
Clerk's Office
933 Terrace Street
Muskegon, MI 49440

September 15, 2005

Mr. W. Scott Peyton
Executive Director
DHH Connection
3391 Merriam Street, Suite 101
Muskegon, MI 49444

Dear Mr. Peyton:

Enclosed is the local governing body resolution for charitable gaming licenses that was approved by the City Commission at their September 13th meeting.

If you have any questions, please call me at 724-6705.

Thank you,

Linda Potter
Deputy Clerk

enc.

Commission Meeting Date: September 13, 2005

Date: August 24, 2005
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CEC*
RE: Request to Purchase Tax-Reverted Properties

SUMMARY OF REQUEST:

The State of Michigan is offering the City a number of tax-reverted properties acquired prior to 2002 and available to us under the "old program" for the bargain price of \$300 for the first five properties and \$20 for each additional property after that. Since the City continues to mow and maintain these lots, even though they are State-owned, it would be advantageous to the City to take ownership of them. We can then attempt to sell them and get them back on the tax rolls. The Community and Neighborhood Services Department will be obtaining seven of the properties from the list for their program, one of which is a home to rehabilitate.

FINANCIAL IMPACT:

Total cost of the 32 properties is \$840.

BUDGET ACTION REQUIRED:

Expend the additional \$840 necessary to purchase these parcels.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommended approval at their regular meeting of August 23, 2005.

Resolution No. 2005-82(e)

MUSKEGON CITY COMMISSION

RESOLUTION TO PURCHASE STATE-OWNED TAX REVERTED PROPERTY.

WHEREAS, Act 451, P.A. 1994, as amended, provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and;

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act;

WHEREAS, the City of Muskegon desires to acquire such lands for purposes of selling the property;

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon shall set up necessary procedures and controls to provide for the property distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Legal Descriptions for 32 Properties are Attached.

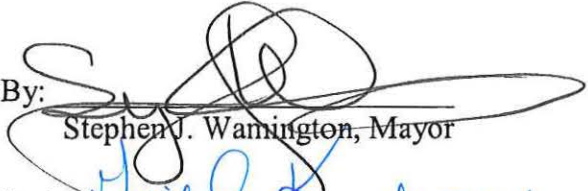
Adopted this 13th day of September, 2005

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

Nays: None

Absent: None

By:


Stephen J. Warmington, Mayor

Attest:


Gail A. Kunding, MMC

Clerk

The City of Muskegon is interested in acquiring the following parcels:

- 1) City of Muskegon Revised Plat 1903 W ½ of Lot 8 Block 80
Parcel # 61-24-205-080-0008-00
Parcel ID # 1040874
488 McLaughlin
- 2) City of Muskegon Revised Plat 1903 N ½ of Lot 6 Block 83
Parcel # 61-24-205-083-0006-00
Parcel ID # 1130446
1164 Kenneth
- 3) City of Muskegon Revised Plat 1903 That Part of Lot 3 Lying NW'ly of St hwy r/w
Block 146
Parcel # 61-24-205-146-0003-00
Parcel ID # 1130458
411 Seaway
- 4) City of Muskegon Revised Plat 1903 SE 62 Feet of Lot 3 Block 236
Parcel # 61-24-205-236-0003-00
Parcel ID # 1130467
1122 Spring
- 5) City of Muskegon Revised Plat 1903 S ½ of the N ½ Lots 11-12 Block 339
Parcel # 61-24-205-339-0011-10
Parcel ID # 1130477
1237 7th
- 6) City of Muskegon Revised Plat 1903 N ½ of Lot 1 Block 382
Parcel # 61-24-205-382-0001-00
Parcel ID # 1130488
1163 Sanford
- 7) City of Muskegon Revised Plat 1903 E ½ of Lots 7 & 8 Block 42
Parcel # 61-24-205-042-0007-10
Parcel ID # 2020067
492 White
- 8) City of Muskegon Revised Plat 1903 W 44 feet of N 165 Feet of Lot 4 Block 51
Parcel # 61-24-205-051-0004-00
Parcel ID # 2020071
723 Amity
- 9) City of Muskegon Revised Plat 1903 Lot 6 Ex S 50 feet Block 66
Parcel # 61-24-205-066-0006-00
Parcel ID # 2020072
477 E Apple

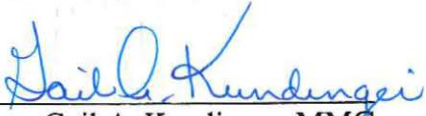
- 10) City of Muskegon Revised Plat 1903 Lot 10 Block 69
Parcel # 61-24-205-069-0010-00
Parcel ID # 2020073
510 E Isabella
- 11) City of Muskegon Revised Plat 1903 N ½ Lot 8 S ½ Lot 9 Block 149
Parcel # 61-24-205-149-0008-00
Parcel ID # 2020075
509 Octavius
- 12) City of Muskegon Revised Plat 1903 E ½ Lot 1 Block 203
Parcel # 61-24-205-203-0001-10
Parcel ID # 2020076
391 Orchard
- 13) City of Muskegon Revised Plat 1903 S ½ of Lot 1 Block 210
Parcel # 61-24-205-210-0001-00
Parcel ID # 2020077
923 Emerald
- 14) City of Muskegon Revised Plat 1903 Lot 3 Block 210
Parcel # 61-24-205-210-0003-00
Parcel ID # 2020078
305 Amity
- 15) City of Muskegon Revised Plat 1903 Lot 6 Block 250
Parcel # 61-24-205-250-0006-00
Parcel ID # 2020082
334 Catherine
- 16) City of Muskegon Revised Plat 1903 Lot 5 Block 261
Parcel # 61-24-205-261-0005-00
Parcel ID # 2020083
354 McLaughlin
- 17) City of Muskegon Revised Plat 1903 W 70 Feet of Lot 1 Block 264
Parcel # 61-24-205-264-0001-00
Parcel ID # 2020084
1310 Pine
- 18) City of Muskegon Revised Plat 1903 Part of Lot 10 Block 275 Desc as Comm @ SE Cor
of SD Block for POB th S 89 Deg 38 Min W 81 feet the N 60 feet th N 89 Deg 38 Min E
81 feet the S 60 ft to POB
Parcel # 61-24-205-275-0010-20
Parcel ID # 2020085
1479 Jiroch

- 19) City of Muskegon Revised Plat 1903 N 40 feet of Lot 4 Block 294
Parcel # 61-24-205-294-0004-00
Parcel ID # 2020086
1636 Pine
- 20) City of Muskegon Revised Plat 1903 E ½ Lot 10 Block 339
Parcel # 61-24-205-339-0010-10
Parcel ID # 2020090
536 W Muskegon
- 21) City of Muskegon Revised Plat 1903 N 91.5 Feet of Lot 5 Block 364
Parcel # 61-24-205-364-0005-00
Parcel ID # 2020093
1130 1st
- 22) City of Muskegon Revised Plat 1903 E ½ of Lot 11 Block 391
Parcel # 61-24-205-391-0011-10
Parcel ID # 2020096
238 Strong
- 23) City of Muskegon Revised Plat 1903 Lot 1 Block 449
Parcel # 61-24-205-449-0001-00
Parcel ID # 2020098
1686 7th
- 24) City of Muskegon Revised Plat 1903 Lot 2 Block 449
Parcel # 61-24-205-449-0002-00
Parcel ID # 2020099
1698 7th
- 25) City of Muskegon Erwin and Keating's Addition Lot 5 & N 5 Feet Lot 6 Block 1
Parcel # 61-24-290-001-0005-00
Parcel ID # 2020105
1974 Park
- 26) City of Muskegon Wharncliffe Grove Part of Block 2 R P Eastons 2nd Sub Div Part of
Sec 32 Lot 53
Parcel # 61-24-890-000-0053-00
Parcel ID # 2020110
1979 McIlwraith
- 27) City of Muskegon Eastlawn Subdn. Of Blocks 3, 4, and 5 R.P. Eastons 2nd Subdn. Lots
25 & 26 Block 10
Parcel # 61-24-255-010-0025-00
Parcel ID # 1003402
1974 S Getty

- 28) City of Muskegon Revised Plat 1903 S ½ Lot 12 Block 389
Parcel # 61-24-205-389-0012-10
Parcel ID # 1102279
1359 6th
- 29) City of Muskegon Revised Plat 1903 Block 435 Lot 6
Parcel # 61-24-205-435-0006-00
Parcel ID # 411669
753 W Forest
- 30) City of Muskegon Revised Plat 1903 Lot 9 Block 406
Parcel # 61-24-205-406-0009-00
Parcel ID # 411612
1434 7th
- 31) City of Muskegon Revised Plat 1903 SLY 40 feet of WLY 66 feet Lot 7 Block 376
Parcel # 61-24-205-376-0007-15
Parcel ID # 411574
1366 7th
- 32) City of Muskegon Revised Plat 1903 ELY 44 feet of WLY 88 Feet Lots 8, 9, 10 Block
152
Parcel # 61-24-205-152-0008-10
Parcel ID # 411149
361 Sumner

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 13, 2005.

By: 
Gail A. Kunderinger, MMC
Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING September 13, 2005

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 31, 2005

RE: County Wastewater Easements

SUMMARY OF REQUEST:

To approve two agreements with Muskegon County which grants easements to the County across City property for the purpose of the County constructing and maintaining water lines.

FINANCIAL IMPACT:

\$1,600 in revenue to the City.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the two attached easement agreements.

COMMITTEE RECOMMENDATION:

None

E A S E M E N T

2005-82(¹)

Indenture made this 13th day of September A.D., 2005, between the City of Muskegon, whose address is 933 Terrace Street, Muskegon MI 49440, as Grantor, and the County of Muskegon, a municipal corporation, by and through its Board of Public Works, whose address is 990 Terrace Street, Muskegon, Michigan, 49442, as Grantee, hereinafter referred to as the "County" or "Grantee",

Grantor is the owner of certain property, hereinafter described, and the County of Muskegon is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain waste water lines.

Grantor is willing to grant and convey to the County an easement for said purposes upon the terms and conditions hereinafter set forth, upon the premises described in Exhibit "A: attached to and made part hereof.

RECITALS

Witnesseth, that the Grantor, for and in consideration of the sum of One Thousand One Hundred and No/100 Dollars (\$1,100.00), lawful money of the United States, to them in hand paid by the County, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the County of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the City of Muskegon, Muskegon County, Michigan, which said strips of land are described on the easement drawing that is attached hereto and made part hereof, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using sewers or pipe lines necessary or convenient to the County general plan for the Muskegon County Wastewater Management System.

Grantor grants and conveys to the County herewith, the right and privilege to use the temporary easement for the initial construction of said sewer lines, pipes and mains, which shall expire after same are constructed, but not after the calendar year 2009, whichever shall first occur.

PROVIDED HOWEVER, that:

1. The County shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. County shall provide Grantor with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantor's ordinary pedestrian and vehicular access to the premises.
3. County shall cooperate with Grantor to cause the least inconvenience to Grantor during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.
4. County in excavating for, constructing, laying, maintaining and repairing said sewer line, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantor.

5. County shall so construct and maintain the sewer lines within such easement to prevent the escape or discharge of noxious odors or sewage upon the premises of Grantor.

6. All work performed by the County, its agents and employees will require an inspection by City personal prior to the completion of the restoration of said easement area.

7. It is understood and agreed that all futures crossings for utilities shall be allowed in the easement area.

8. The above special provisions form a part of the consideration for this conveyance in addition to the monetary consideration above set forth.

IN WITNESS WHEREOF, Grantor has executed this Agreement on the year and day shall be performed in accordance with good engineering practice with the lease possible inconvenience to the Grantor and pursuant to all governmental laws, regulation and ordinances.


Signature

Stephen J. Warmington

Print Name

Mayor

Title

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

On this 26th day of September, A.D., 2005, before me personally appeared Stephen J. Warmington, Mayor to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.


Notary Public Linda S. Potter

County of Muskegon

My Commission Expires: 9-25-06

E A S E M E N T

2005-82(f²)

Indenture made this 13th day of September A.D., 2005, between the City of Muskegon, whose address is 933 Terrace Street, Muskegon MI 49440, as Grantor, and the County of Muskegon, a municipal corporation, by and through its Board of Public Works, whose address is 990 Terrace Street, Muskegon, Michigan, 49442, as Grantee, hereinafter referred to as the "County" or "Grantee",

Grantor is the owner of certain property, hereinafter described, and the County of Muskegon is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain waste water lines.

Grantor is willing to grant and convey to the County an easement for said purposes upon the terms and conditions hereinafter set forth, upon the premises described in Exhibit "A: attached to and made part hereof.

RECITALS

Witnesseth, that the Grantor, for and in consideration of the sum of Five Hundred And No/100 Dollars (\$500.00), lawful money of the United States, to them in hand paid by the County, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the County of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the City of Muskegon, Muskegon County, Michigan, which said strips of land are described on the easement drawing that is attached hereto and made part hereof, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using sewers or pipe lines necessary or convenient to the County general plan for the Muskegon County Wastewater Management System.

Grantor grants and conveys to the County herewith, the right and privilege to use the temporary easement for the initial construction of said sewer lines, pipes and mains, which shall expire after same are constructed, but not after the calendar year 2009, whichever shall first occur.

PROVIDED HOWEVER, that:

1. The County shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. County shall provide Grantor with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantor's ordinary pedestrian and vehicular access to the premises.
3. County shall cooperate with Grantor to cause the least inconvenience to Grantor during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.
4. County in excavating for, constructing, laying, maintaining and repairing said sewer line, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantor.

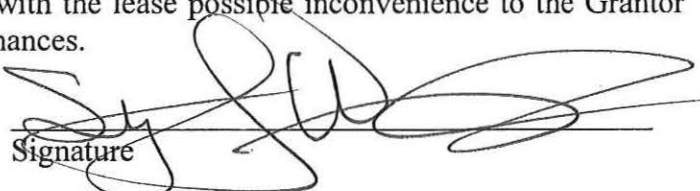
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7. It is understood and agreed that all futures crossings for utilities shall be allowed in the easement area.

8. The above special provisions form a part of the consideration for this conveyance in addition to the monetary consideration above set forth.

IN WITNESS WHEREOF, Grantor has executed this Agreement on the year and day shall be performed in accordance with good engineering practice with the least possible inconvenience to the Grantor and pursuant to all governmental laws, regulation and ordinances.


Signature

Stephen J. Warmington

Print Name

Mayor

Title

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

On this 26th day of September, A.D., 200 5, before me personally appeared Stephen J. Warmington, Mayor to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.


Notary Public Linda S. Potter

County of Muskegon

My Commission Expires: 9-25-06

Commission Meeting Date: September 13, 2005

Date: September 6, 2005

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services
Department W.G.

RE: Approval of contractor for completion of

Rehabilitation of structure at 458-460 Mulder

SUMMARY OF REQUEST: To approve the contract with Nobles Incorporated 210 East Broadway Muskegon, MI. for the completion of the rehabilitation of the city owned home at 458-460 Mulder for **Sixty Eight Thousand Four Hundred Thirty Nine dollars (\$68,439)** *Operation: Two will be made into one.* This present two-unit structure will be converted into a single family home in order to be more conforming to the immediate neighborhood. After the rehabilitation is completed the home will be marketed to qualified eligible first time homebuyers

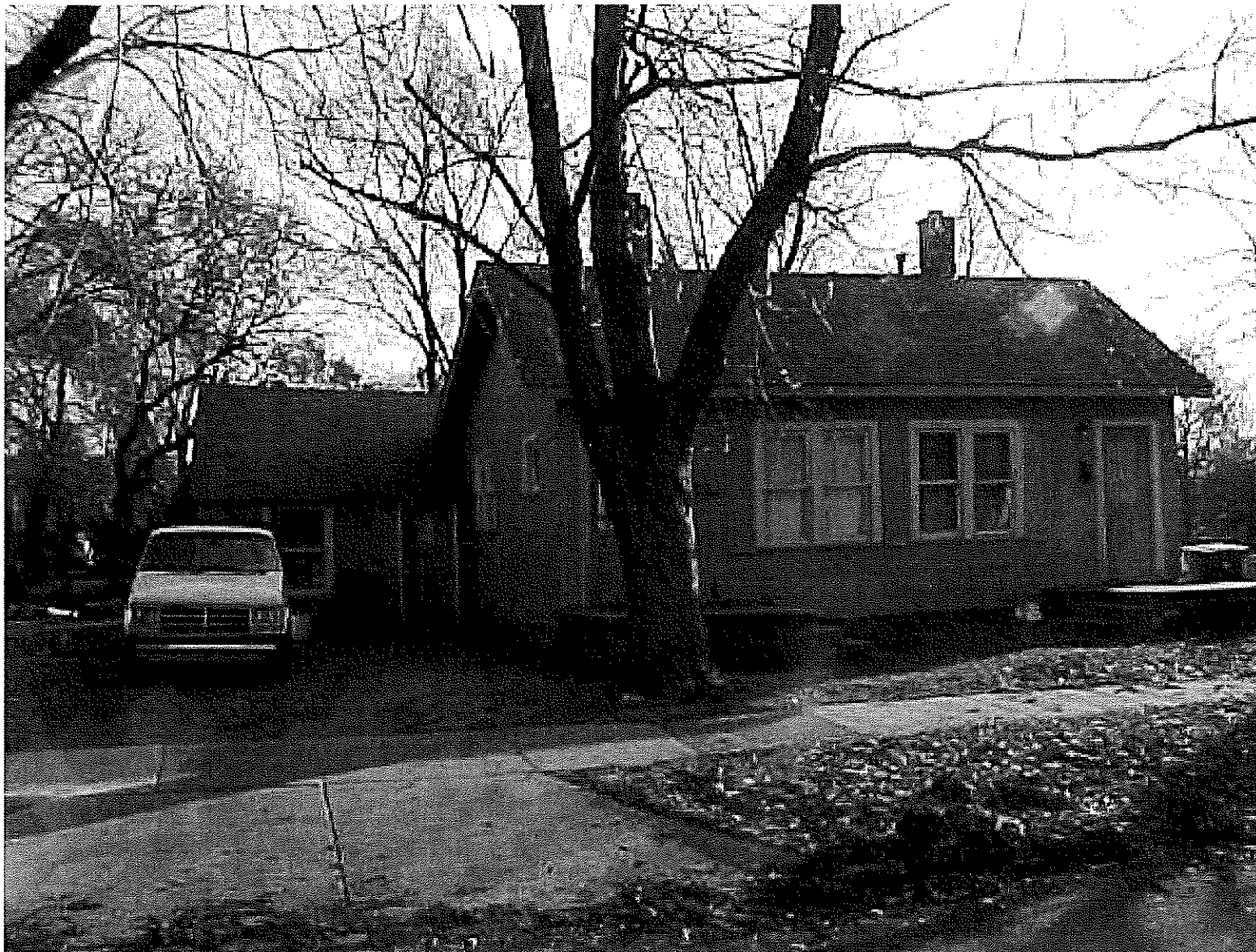
The CNS office received two other bids for this project Top Notch Design 4740 Jenson Fruitport, (\$96,995) Lewis Johnson Builders 1607 Bonita Court of Grand Haven (\$82,800)

FINANCIAL IMPACT: The funding for this project will be taken from the City's HOME funds from fiscal year 2004 and program income.

BUDGET ACTION REQUIRED: None required

STAFF RECOMMENDATION: To approve the Community and Neighborhood Services request.

COMMITTEE RECOMMENDATION:



24-205-018-0005-10

458 MULDER ST

STREET VIEW 11-2000

Commission Meeting Date: September 13, 2005

Date: September 6, 2005

To: Honorable Mayor & City Commission

From: Planning & Economic Development *CBC*
Department

RE: City-County Agreement for Community
Development Block Grant (CDBG) Funds

SUMMARY OF REQUEST: To approve the Agreement between the City and the County for the expenditure of CDBG funds for the Neighborhoods of Choice project.

FINANCIAL IMPACT: The City will receive \$500,000 in grant funds from the State of Michigan, through the County of Muskegon for the project.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: None.

AGREEMENT

This Agreement is made as of September 13, 2005, between the County of Muskegon ("County"), and the City of Muskegon ("City").

RECITALS

A. The City intends to make improvements to streets, walkways, and landscaping in the North Nelson Neighborhood, located in the City of Muskegon, ("Neighborhoods of Choice Infrastructure Project").

B. The City requested the County to apply for a Community Development Block Grant ("CDBG") in the amount of Five Hundred Thousand Dollars (\$500,000), for the Neighborhoods of Choice Infrastructure Project.

C. The County applied for the grant and was approved for CDBG funding in the amount of Five Hundred Thousand Dollars (\$500,000) by the Michigan Economic Development Corporation ("MEDC").

TERMS AND CONDITIONS

Therefore, in exchange for the consideration referred to by this Agreement, and effective beginning on the date the County accepts and executes the CDBG Agreement with the MEDC, the parties agree as follows:

1. The County shall be responsible for all administrative matters to obtain reimbursement on behalf of the City under the terms of the CDBG program for the expenses incurred by the City and shall forward monies received to the City.
2. The City shall be subject to all requirements contained in the attached CDBG Agreement between the County and MEDC (See Exhibit 1). The City shall provide the County, within a reasonable time, any information and cooperate in any other reasonable manner to assure compliance with the CDBG Agreement.
3. City agrees to exonerate, save harmless, protect and indemnify County, its departments, officers, employees, and agents from and against any and all loss, damages, claims, suits, actions, judgments and costs, which may arise or grow out of any actions or omissions caused by City's officers, employees, or agents under this Agreement. Provided, however, City may defend instead of indemnify County in the event County is sued for City's actions, if it would be reasonable due to the nature of the case.
4. County agrees to exonerate, save harmless, protect and indemnify City, its departments, officers, employees, and agents from and against any and all loss, damages, claims, suits, actions, judgments and costs, which may arise or grow out of any actions or omissions caused by County's officers, employees, or agents under this Agreement. Provided, however,

County may defend instead of indemnify City in the event City is sued for County's actions, if it would be reasonable due to the nature of the case.

5. This is the entire agreement between the parties as to its subject, and is binding upon any successors or permitted assigns of the parties. It shall not be amended or modified except in writing signed by the parties.

6. This Agreement shall be interpreted and construed in accordance with Michigan law and the parties agree to jurisdiction and venue within the courts for the County of Muskegon.

7. This Agreement may be executed in any number of counterparts, each of which shall constitute an original and all of which shall constitute one and the same agreement.

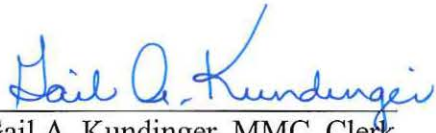
This Agreement has been executed as of the first date written above.

CITY OF MUSKEGON

By: 

Stephen J. Warmington, Mayor

Attest:

By: 

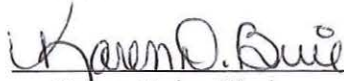
Gail A. Kunderger, MMC, Clerk

County of Muskegon

By: 

Bill Gill, Chairman

Attest:



Karen Buie, Clerk

Date: September 13, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for an Encroachment Agreement

SUMMARY OF REQUEST:

BLDI environmental who is working with Ken's Super Service Station at the north west corner of Laketon & Henry has submitted the enclosed encroachment agreement form requesting your permission to install five (5) monitoring wells in the area surrounding the aforementioned station. The wells would be installed in the public right of ways of Hudson, Laketon, Henry & Division.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement subjects to the supplemental conditions and compliance with the necessary insurance requirements.

COMMITTEE RECOMMENDATION:

None

2005-82(i)

CITY OF MUSKEGONENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 13th day of September 2005, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and BIDI, Inc. (hereinafter called LICENSEE).

RECITALS

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

the installation of monitoring wells for purposes of investigating and
monitoring groundwater quality.

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]

Hulson, Crowley, Laketon, Henry, and Division Street rights-of-
way, as noted on Figure 1 (attached). Five (5) monitoring wells in total.

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

THEREFORE,

1. CITY does hereby grant unto LICENSEE the privilege of X constructing, X installing, X maintaining, X repairing 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: Attached

2. That LICENSEE shall pay to the CITY for the privilege hereby granted the sum of One hundred twenty-five Dollars (\$ 125⁰⁰), such payment to be made upon the signing of this agreement to be dated as of the 13th 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

John Krukowski

Evelyn D. Hoffman

EVELYN D. HOFFMAN

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

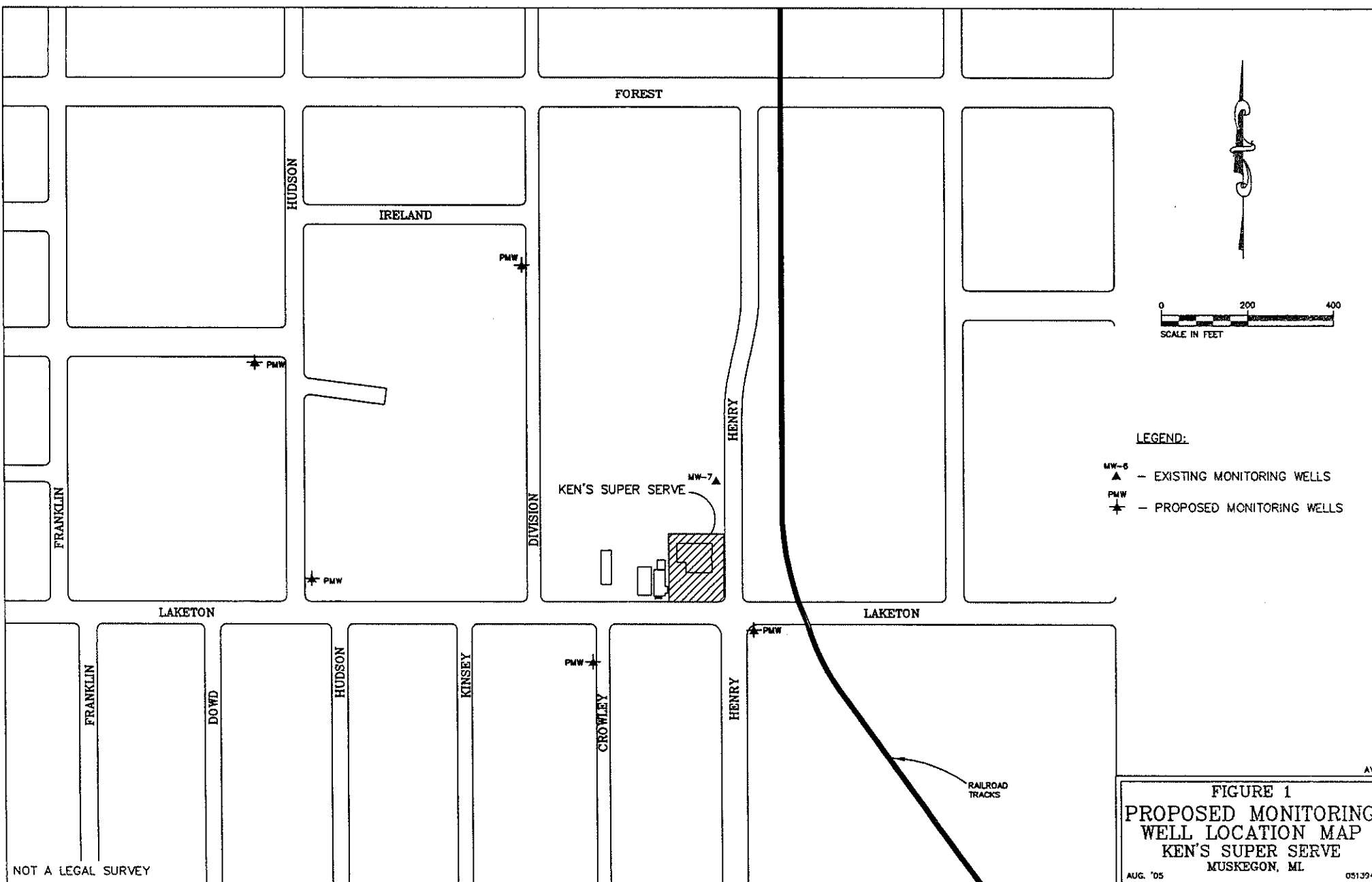
And Gail A. Kunderinger
Gail A. Kunderinger, Clerk

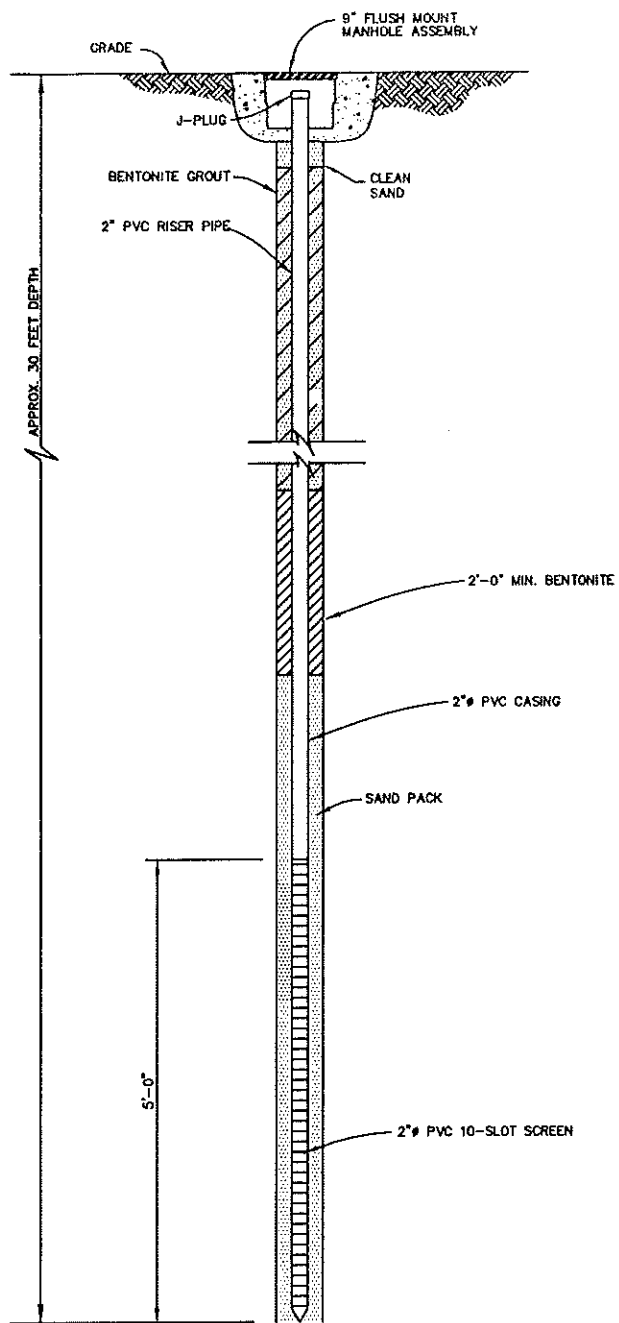
LICENSEE:

[Signature]
Richard Sacher BDI, Inc.

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the wells and any relocation that becomes necessary to facilitate other improvements within the right of way (s).
- 2- Grantee will be responsible to maintain and keep, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by the City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- Insurance: LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to the City. The provision for liability insurance set forth shall remain in full force and effect in lieu of any other insurance requirement, provided that the City shall be given thirty days written notice before a change in coverage may occur.
- 5- The City and/or its agent are not responsible for any damage to the facilities.





FLUSH MOUNT MONITORING WELL (TYP.)

SCALE: NONE

BR102003
FIG2-2.DWG-50

FIGURE 2
MONITORING WELL
SECTION
KEN'S SUPER SERVE
MUSKEGON, MI.

AUG '05

051394

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 08/26/2005
PRODUCER The Merritt Insurance Group Agency 1529 Broadway, Suite 500 Detroit MI 48226	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 BLDI Environmental & Safety 150 Fountain Street N.E. Grand Rapids MI 49503	INSURERS AFFORDING COVERAGE	NAIC #
	INSURER A: Hudson Specialty Ins. Company	
	INSURER B: Safeco	
	INSURER C: Accident Fund Insurance Co.	
	INSURER D:	
	INSURER E:	

COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	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	FEC5103245	10/01/2004	10/01/2005	EACH OCCURRENCE \$ 2,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000				
	MED EXP (Any one person) \$ 5,000				
	PERSONAL & ADV INJURY \$ 2,000,000				
	GENERAL AGGREGATE \$ 2,000,000				
	GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC				PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS	24-CC-015671-10	10/01/2004	10/01/2005	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	BODILY INJURY (Per person) \$				
	BODILY INJURY (Per accident) \$				
	PROPERTY DAMAGE (Per accident) \$				
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WCV-344854	09/30/2004	09/30/2005	WC STATU- TORY LIMITS OTH- ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	OTHER Pollution Professional	FEC5103245	10/01/2004	10/01/2005	Each Occurrence 2,000,000 Each Occurrence 2,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

The City of Muskegon is named as an Additional Insured as their interest may appear with respect to Project at Ken's Super Serve Site

CERTIFICATE HOLDER

City of Muskegon
933 Terrace Street
Muskegon MI 49441

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Wendell W. Merritt



MANAGING ENVIRONMENTAL HEALTH AND SAFETY
VIA FACSIMILE

September 6, 2005

Mr. Muhammad Al-Shatel, PE
City of Muskegon, Engineering Department
933 Terrace
Muskegon, MI 49440

Re: Encroachment for Installing Monitoring Wells

Dear Sir:

The purpose of this letter is to provide you with background on the encroachment application submitted for purposes of allowing BLDI to install monitoring wells in the area of the Henry and Laketon intersection in the City of Muskegon.

The need for the wells is due to a confirmed release of gasoline from the underground storage tanks (USTs) serving Ken's Super Serve station, located on the northwest corner of Henry and Laketon. The release of gasoline was discovered in April of 2003 and is tracked by the Michigan Department of Environmental Quality (MDEQ) as release number C-0154-03. Some investigation work has been performed to date, but recently the MDEQ demanded more prompt action in completing the work necessary to fully delineate the soil and groundwater impact at the site. The monitoring wells serve to determine the lateral spread of dissolved concentrations of gasoline in the groundwater.

BLDI intends to drill these monitoring wells using either direct push (cores of soil are removed to open a hole in the ground) or via our traditional hollow stem auger drill rig. In either case, the soil tailings will be collected and containerized for disposal. The finished well exposes only a flush mounted, small diameter manhole cover to the public. These manhole covers are bolted in place and are not accessible without tools. All wells will be installed in landscaped areas of the rights of way, with the surface restored to current conditions following installation.

Once installed, BLDI anticipates accessing and sampling the monitoring wells on a quarterly basis for approximately 3 to 5 years. The frequency and duration of the groundwater sampling entirely depends on MDEQ requirements for site closure, but typically closure will not occur in less than 3 years time. Once closure has been achieved, the MDEQ requires that the monitoring wells be abandoned in accordance with ASTM standards. Typically, this includes grouting the well closed and removing the upper portions of the well/manhole assembly.

BLDI Project No.: 051394

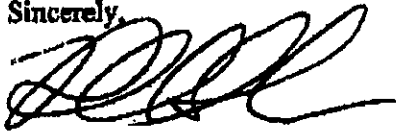
all correspondence/letters - Bill Dummerman, City of Muskegon

Mr. Muhammad Al-Shatel, PE
September 6, 2005
Page 2 of 2

The groundwater in the vicinity of Laketon and Henry is at a depth of approximately 26 feet below the surface. No public exposure concerns are present due to the dissolved concentrations of gasoline in the groundwater. Additionally, BLDI's installation and sampling of the groundwater wells will not pose any public exposure concerns.

Please telephone me with any questions or concerns regarding the monitoring well installation or encroachment application.

Sincerely,



Richard N. Spehar, P.E.
Senior Project Manager

Date: September 13, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Blue Corner Boxing

SUMMARY OF REQUEST: Blue Corner Boxing is requesting approval of a fireworks display permit for their boxing event at the L C Walker Arena on September 24, 2005. Fire Marshall Metcalf will inspect the fireworks on the day of the event

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

2005-82(j)

PERMIT
FOR FIREWORKS DISPLAY
Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO: West Michigan Burnerz

NAME 17355 Spring Hill

ADDRESS Spring Lake, MI 49456 AGE

REPRESENTING Blue Corner Boxing

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

ADDRESS 143 W. Sherman Blvd.

NUMBER & TYPES OF FIREWORKS:

Small baton wands with fire

DISPLAY: L. C. Walker Arena, Muskegon, MI

EXACT LOCATION

September 24, 2005

9:30 p.m.

CITY, VILLAGE, TOWNSHIP

DATE

TIME

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the

CITY

of

MUSKEGON

(city, village, township)

(name of city, village, township)

on the 13th day of September, 2005

Stephen J. Warrington, Mayor

(signature & position of council, commission or board representative)

APPLICATION**FOR FIREWORKS DISPLAY PERMIT**
Act 358, P.A. 1968

DATE OF APPLICATION

9/12/05

1. TYPE OF DISPLAY:☒ Public Display☐ Agricultural Pest Control**2. APPLICANT** BLUE CORNER BOXING

NAME OF PERSON

PAUL FENNIER

ADDRESS

143 W SILVERMAN BLVD

AGE: Must be 21 or over

25

IF A CORPORATION: Name of President

ADDRESS

3. PYROTECHNIC OPERATOR

NAME

WEST MICHIGAN BURBEEZ

ADDRESS

AGE: Must be 21 or over

EXPERIENCE:

NUMBER OF YEARS

NUMBER OF DISPLAYS

1

WHERE

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

LC WALKER ARENA

DATE

9/24/05

TIME

~9:30PM

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYEDBATON WANDS WITH FIRE. SMALL SAME AS EVENT OF
SEPTEMBER 11, 2004 AT THE LC WALKER ARENA

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

OUTDOORS, MANVED AND SECURED.

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

\$

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

ADDRESS

COMMERCIAL LINES POLICY - COMMON POLICY DECLARATIONS
NAUTILUS INSURANCE COMPANY
 Scottsdale, Arizona

Transaction Type: **Renewal**Policy No. **NC432992**Renewal of Policy # NC339542

Inspection Ordered:

Rewrite of Policy # _____

☐ Yes ☒ No

Cross Ref. Policy # _____

THE WHITE AGENCY
FREMONT, MICHIGAN**Named Insured and Mailing Address**

(No., Street, Town or City, County, State, Zip Code)

W. M. BURNERZ

17355 SPRING HILL
SPRING LAKE

MI 49456-

NOTICE

The coverage afforded by this
policy is restricted. Please
read your policy carefully.
No Flat Cancellations

Agent and Mailing Address

(No., Street, Town or City, County, State, Zip Code)

J.M. Wilson Corporation
8036 Moorsbridge Road
Portage, MI 49024Agency No. 02100 - 00

THIS INSURANCE IS WITH AN INSURER
NOT LICENSED IN MICHIGAN. IN CASE
OF INSOLVENCY, PAYMENT OF CLAIMS
MAY NOT BE GUARANTEED.

NO FLAT CANCELLATION

Policy Period: From 05/12/2005 to 05/12/2006 at 12:01 A.M. Standard Time at your mailing address shown above.

Business Description: **ENTERTAINERS**Tax State MI

Form of Business: ☐ Individual ☐ Partnership ☐ Joint Venture ☐ Trust ☐ Limited Liability Company (LLC)
☒ Organization, including a Corporation (but not including a Partnership, Joint Venture or LLC)

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY,
WE AGREE WITH YOU TO PROVIDE THE INSURANCE STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED.
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

Commercial General Liability Coverage Part

	PREMIUM
Commercial General Liability Coverage Part	\$ 1,000.00
Terrorism Coverage	\$ 100.00
	\$
	\$
	\$
	\$
Tax & Fee Schedule	
STATE TAX	\$ 27.50
POLICY FEE	\$ 25.00
TOTAL ADVANCE PREMIUM	\$ 1,100.00
Minimum & Deposit	
TOTAL TAXES & FEES	\$ 52.50
TOTAL	\$ 1,152.50

Terrorism Coverage

\$ 100.00

\$

\$

\$

\$ 1,100.00

STATE TAX
POLICY FEE

\$

27.50
25.00

Minimum & Deposit

TOTAL TAXES & FEES

\$ 52.50

TOTAL \$ 1,152.50

FULLY EARNED

Form(s) and Endorsement(s) made a part of this policy at time of issue:

Refer to S902 Schedule of Forms and Endorsements.

Countersigned: Portage, MI

05/18/05

JM-H/RB

By

Countersignature or Authorized Representative, whichever is applicable

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART DECLARATIONS, COVERAGE PART COVERAGE
FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

Includes copyrighted material of Insurance Services Office, Inc. with its permission.

NAUTILUS INSURANCE COMPANY COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

POLICY NUMBER: NC432992

☐ Extension of Declarations is attached.

Effective Date: 05/12/2005 12:01 A.M. Standard Time

LIMITS OF INSURANCE☐ If box is checked, refer to form S132 for Limits of Insurance.

General Aggregate Limit (Other Than Products/Completed Operations) \$ 1,000,000
 Products/Completed Operations Aggregate Limit \$ INCLUDED
 Personal and Advertising Injury Limit \$ 1,000,000 Any One Person Or Organization
 Each Occurrence Limit \$ 1,000,000
 Damage To Premises Rented To You Limit \$ 100,000 Any One Premises
 Medical Expense Limit \$ 5,000 Any One Person

RETROACTIVE DATE (CG 00 02 ONLY)

This Insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" which occurs before the Retroactive Date, if any, shown here: _____ (Enter Date or "NONE" if no Retroactive Date applies)

BUSINESS DESCRIPTION AND LOCATION OF PREMISES

BUSINESS DESCRIPTION: ENTERTAINERS

LOCATION OF ALL PREMISES YOU OWN, RENT, OR OCCUPY:

☒ Location address is same as mailing address.

1. 17355 SPRING HILL

SPRING LAKE

MI 49456 -

2.

Additional locations (if any) will be shown on form S170.

LOCATION OF JOB SITE (If Designated Projects are to be Scheduled):

CODE # -	CLASSIFICATION	*	PREMIUM BASIS	PR/CO	RATE All Other	ADVANCE PREMIUM
43215	Entertainment Performed on Others' Premises Rate Is Per Show Products/Completed Operations are Subject to the General Aggregate Limit	T	10	INCLUDED	100,000	INCLUDED 1,000

* PREMIUM BASIS SYMBOLS + = Products/Completed Operations are subject to the General Aggregate Limit
 a = Area (per 1,000 sq. ft. of area) o = Total Operating Expenses a = Gross Sales (per \$1,000 of Gross Sales)
 c = Total Cost (per \$1,000 of Total Cost) (per \$1,000 Total Operating Expenditures) t = See Classification
 m = Admissions (per 1,000 Admissions) p = Payroll (per \$1,000 of Payroll) u = Units (per unit)

PREMIUM FOR THIS COVERAGE PART \$ 1,000**FORMS AND ENDORSEMENTS** (other than applicable Forms and Endorsements shown elsewhere in the policy)

Forms and Endorsements applying to this Coverage Part and made part of this policy at time of issue:

Refer to S902 Schedule of Forms and Endorsements

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.

Includes copyrighted material of Insurance Services Office, Inc. with its permission.

Copyright ISO Properties, Inc., 2000

L.C.

Walker
arena

Administration 231•726•2939

FAX 231•726•4620

Tickets 231•726•2400

Operated by Arena Management Group, L.L.C.

ATTN: Linda FROM: Pam - per Neil
 COMPANY: City of Musk. DATE: 9/12/05
 FAX #: 724-4178 TOTAL # OF PAGES: 3 (Including Cover)

Re: Pyro Insurance for Pro Boxing Sept. 24 '05

14. Fax.docx

Date: September 13, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Transfer Request
Port City Cruise Line, Inc.
560 Mart

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Port City Cruise Line, Inc. to transfer location of the 2005 Watercraft Licensed Business with Dance entertainment Permit and 250 passengers from 1133 W. Western.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

RECEIVED

AUG 25 2005

MUSKEGON POLICE DEPT.
CHIEF of POLICE

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 08-25-05

Re: Liquor License Transfer

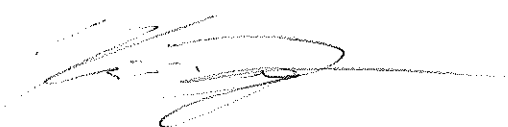
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Sylvia Precious of 560 Mart St Street, Muskegon, MI. 49440 who is with Port City Cruise Line Inc.

Sylvia Precious, who is the current license holder, is requesting to transfer location of 2005 Watercraft licensed business with Dance-Entertainment and 250 passengers from 1133 W. Western, North Muskegon to 560 Mart St, Muskegon Mi. Sylva Precious resides at 702 Fourth St in North Muskegon.

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

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/Port City

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

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

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Police Department
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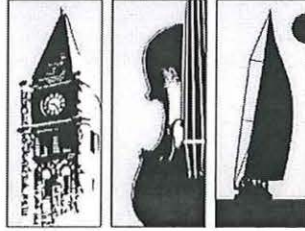
Public Works
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Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

August 25, 2005

To: City Commission through the City Manager

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

Re: Liquor License Request – 560 Mart St.
Transfer of 2005 Watercraft Licensed Business with Dance-Entertainment Permit

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Port City Cruise Line Inc., comprised of Sylvia Precious of 702 Fourth St. in North Muskegon.

Port City Cruise Line Inc. requests to transfer location of 2005 Watercraft Licensed Business with Dance-Entertainment Permit from 1133 W. Western, North Muskegon to 560 Mart St., Muskegon, MI. Sylvia Precious has experience in the alcohol service industry and is 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

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

309953
8-16-05
FMM

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

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

Date: August 2, 2005
REF#: 309953

Chief Law Enforcement Officer

Applicant:

PORT CITY CRUISE LINE, INC. (PORT CITY CRUISE LINE) REQUESTS TO TRANSFER LOCATION OF 2005 WATERCRAFT LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT AND 250 PASSENGERS FROM 1133 W. WESTERN, NORTH MUSKEGON, MI 49442, MUSKEGON COUNTY TO 560 MART, MUSKEGON, MI 49440, MUSKEGON COUNTY.

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.

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

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

Req ID # 309953

8-16-05
VMA

RESOLUTION

At a Regular 2005-83(b) meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on September 13, 2005 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Davis and supported by Commissioner Carter

That the request from PORT CITY CRUISE LINE, INC. (PORT CITY CRUISE LINE) TO TRANSFER LOCATION OF 2005 WATERCRAFT LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT FROM 1133 W. WESTERN, NORTH MUSKEGON, MI 49442, MUSKEGON COUNTY TO 560 MART, MUSKEGON, MI 49440, 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 13, 2005.
(Date)

SEAL

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

(Mailing address of Township, City or Village)

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 309953

(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

309953

8-16-05

DAM

**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)

PORT CITY CRUISE LINE, INC. (PORT CITY CRUISE LINE), 560 MART, MUSKEGON, MI 49440,
MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER LOCATION OF 2005 WATERCRAFT LICENSED BUSINESS WITH
DANCE-ENTERTAINMENT PERMIT AND 250 PASSENGERS FROM 1133 W. WESTERN, NORTH
MUSKEGON, MI 49442, MUSKEGON COUNTY.

Section 1.

APPLICANT INFORMATION

APPLICANT #1: **NO FINGERPRINTS REQUIRED**
CONTACT: SYLVIA PRECIOUS, PRESIDENT
(231)728-8387/(800)853-6311

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 11-16-31

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: N/A

DATE OF BIRTH:

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:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ MisdemeanorEnter record of all arrests & convictions (attach a signed and dated
report if more space is needed)ARREST RECORD: ☐ Felony ☐ MisdemeanorEnter 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 PermitAre gas pumps on the premises or directly adjacent? ☐ No☒ Yes, explain relationship: Several hundred yards away
used for other purposes/Business/maintenance. Each pump is locked,
NOT for Port City Princess Cruise Line.

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)

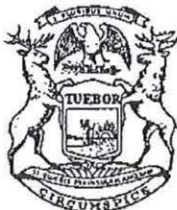
* *[Signature]*

Signature (Sheriff or Chief of Police)

8-25-05

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: 309953

8-16-05
71718

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

PORT CITY CRUISE LINE, INC.

728-8387

APPLICANT/LICENSEE

PHONE NUMBER

560 mart muskegon muskegon 49440
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

X

X

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

- 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
- Describe the type of entertainment applicant/licensee will provide: N/A Live & DJ music

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

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	<u>YES</u>	NO	N/A
ENTERTAINMENT PERMIT	<u>YES</u>	NO	N/A
TOPLESS ACTIVITY PERMIT	YES	NO	<u>N/A</u>

REMARKS:

8-25-05

DATE SUBMITTED

8-25-05
OFFICER'S SIGNATURE

muskegon PD

DEPARTMENT NAME

231 724-6753

PHONE NUMBER

980 Jefferson St

ADDRESS

muskegon

CITY

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

309953
8-16-05
FMA

LOCAL APPROVAL NOTICE

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

Req ID: 309953

Date: August 2, 2005

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

Applicant: PORT CITY CRUISE LINE, INC.

Home Address And Phone No:

CONTACT: SYLVIA PRECIOUS, PRESIDENT (231)728-8387/(800)853-6311

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

LIQUOR LICENSE REVIEW FORM

Business Name: Port City Cruise Line

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 560 Mart

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 A. L. Blumberg

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

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

309953
8-16-05
FMA

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

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

Date: August 2, 2005
REF#: 309953

Chief Law Enforcement Officer

Applicant:

PORT CITY CRUISE LINE, INC. (PORT CITY CRUISE LINE) REQUESTS TO TRANSFER LOCATION OF 2005 WATERCRAFT LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT AND 250 PASSENGERS FROM 1133 W. WESTERN, NORTH MUSKEGON, MI 49442, MUSKEGON COUNTY TO 560 MART, MUSKEGON, MI 49440, MUSKEGON COUNTY.

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LC-1972 Rev. 9/17
4880-1658

sfs

7-18-05

LIQUOR LICENSE REVIEW FORM

Business Name: Port City Cruise Line

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 560 Mart

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

Kenneth D. Fox

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

LIQUOR LICENSE REVIEW FORM

Business Name: Port City Cruise Line

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Operator/Manager's Name: _____

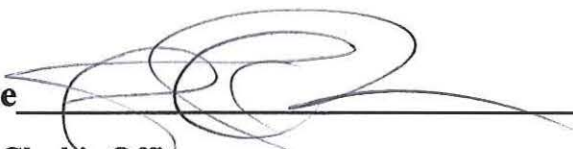
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Gail A. Kunding,
Liquor License Coordinator

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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Mike L. Caner

Please return to the City Clerk's Office

Gail A. Kunding,
Liquor License Coordinator

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Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

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Liquor License Coordinator

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Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Vessel not under

Jurisdiction of Fire Prevention
bureau of Muskegon Fire Dept.

Department Signature Margaret M. Meehan

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

LIQUOR LICENSE REVIEW FORM

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AKA Business Name (if applicable): _____

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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

MARITIME VESSEL NOT UNDER
INSPECTIONS JURISDICTION

Department Signature [Signature]

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

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

309953
8-16-05
THA

LOCAL APPROVAL NOTICE

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

Req ID: 309953

Date: August 2, 2005

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

Applicant: PORT CITY CRUISE LINE, INC.

Home Address And Phone No:
CONTACT: SYLVIA PRECIOUS, PRESIDENT (231)728-8387/(800)853-6311

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

sfs

RECEIVED

AUG 16 2005

MUSKEGON
CITY MANAGER'S OFFICE

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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FAX: (231)722-1214

Civil Service
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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.
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FAX: (231)727-6904

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

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



September 8, 2005

Ms. Sylvia Precious
Port City Cruise Line, Inc.
560 Mart Street
Muskegon, MI 49440

Dear Ms. Precious:

This letter is to inform you that your request to transfer location of the 2005 Watercraft licensed business with Dance Entertainment and 250 passengers from 1133 W. Western to 560 Mart Street will be presented to the City Commission on September 13, 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

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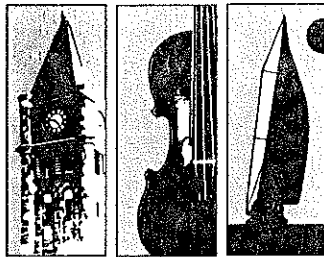
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Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

September 8, 2005

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

Dear Larry:

We have received a letter from the Liquor Control Commission reference a request from Port City Cruise Line, Inc., to transfer location of their 2005 Watercraft Licensed Business with Dance-entertainment Permit and 250 passengers from 1133 W. Western Avenue. On Tuesday, September 13, 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 13, 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
(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

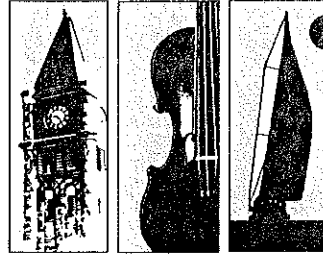
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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 19, 2005

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

REF: #309953
Port City Cruise Line
560 Mart
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, and the Local Law Enforcement Agency Report for Port City Cruise Line. This was recommended for approval at the September 13, 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.

City of Muskegon

State of Michigan

Certificate of Recognition

WHEREAS; It gives us a great deal of pleasure to recognize the Muskegon Community Youth Club. The accomplishments and achievements of these young citizens deserve recognition and praise, and

WHEREAS; their vision is to promote interaction between the community and area youth leading to a better relationship for all; to teach young adults leadership skills and introduce them to some of the tools and information needed to move out into the world, and

WHEREAS; their desire to teach positive values by doing volunteer work such as the Grand Trunk Dock spring clean-up, monthly clean-up of trash along Lakeshore Drive, planting of a herb garden and flowers, cleaning up of the corner of Lincoln & Harding after a fire, contributing to food pantry for area people, supplying lunches for Habitat for Humanity workers and helping paint one of the houses.

SO, NOW THEREFORE BE IT RESOLVED that I Mayor Warmington speaking on behalf of the City Commission and our entire community deem it an honor and pleasure to recognize the dedication made by the Muskegon Community Youth Club towards the well being of our community and extend our appreciation for the contributions they make.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Muskegon to be affixed this 15th day of September, 2005.



Stephen J. Warmington, Mayor



CITY OF MUSKEGON

RESOLUTION

Whereas: Pioneer Resources, a non profit organization serving individuals with disabilities celebrates their 50th year of service to the community during 2005; and

Whereas: Parents formed the Pioneer Association in 1949, and initiated the first school for children with disabilities who were not yet welcomed in public schools, called Pioneer School; and

Whereas: In 1955 the Pioneer Association incorporated and changed its name to Western Michigan Center for Handicapped Children, Inc. to provide a renewed emphasis on services for children with developmental disabilities; and

Whereas: In 1964 Western Michigan Center for Handicapped Children built the first modern school in Muskegon for special education, providing education, therapy, and transportation for children with disabilities, and

Whereas: The organization emerged as a leader in the deinstitutionalization movement in 1980, opening the Pioneer House with United Cerebral Palsy Association, and

Whereas: Responding to need and promoting collaboration the organization built Western Michigan Center in 1983 to house programs for the Muskegon Area Intermediate School District, Community Mental Health, Goodwill Industries, and Arc/Muskegon, and

Whereas: Evolving further Western Michigan Center for the Handicapped in 1990 changed it's name to Pioneer Resources and expanded services to include transportation, housing, employment and training, as well as camping and recreation, and

Whereas: Pioneer Resources continues its endeavor to assist persons with disabilities to attain independence and dignity by creating opportunities for participation in the community,

Therefore: Be it resolved that I, Stephen J. Warmington, speaking on behalf of the entire City Commission and the City of Muskegon citizens do hereby pay tribute to Pioneer Resources, its board of directors, employees, volunteers and people they serve, and

Be it further resolved that the City of Muskegon hereby recognizes Pioneer Resources for its constitution to the community and to the quality of life for all citizens.

IN WITNESS WHEREOF, this 13th day of September, 2005.

Stephen J. Warmington, Mayor



CITY OF MUSKEGON

State of Michigan

Certificate of Proclamation

WHEREAS, Stepfamily Association of America; the nation's largest Stepfamily organization requests that September 16, 2005 be designated as "Stepfamily Day"; and

WHEREAS, The City of Muskegon Stepfamily day is enhanced by our strong dedication to support the stepfamilies of our nation in their mission to raise their children, create strong family structures to support the individual members of the family, instill in them a sense of responsibility to all extended family members; and

WHEREAS, Approximately half of all Americans are currently involved in some form of stepfamily relationship and it is the vision of the Stepfamily Association of America that all stepfamilies in the United States be accepted, supported and successful; and

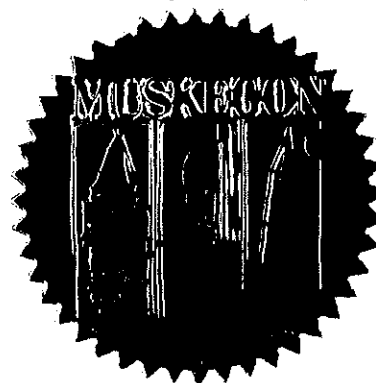
WHEREAS, the City of Muskegon, and our nation has been blessed by thousands upon thousands of loving stepparents and stepchildren who are daily reminders of the joy, trials, and triumphs of the stepfamily experience and of the boundless love contained in the bond between all types of parents and children; and

WHEREAS, Stepfamily Day is a day to celebrate the many invaluable contributions stepfamilies have made to enriching the lives and life experience of the children and parents of America and to strengthening the fabric of American families and society.

.NOW THEREFORE, I Stephen J. Warmington, by virtue of the authority vested in me as Mayor and speaking on behalf of the entire City Commission and all our citizens recognize the increasing value of stepfamily relationships, and hereby proclaim September 16, 2005 to be "Stepfamily Day" and encourage everyone in our city and nation to participate in honoring the this day.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Muskegon to be affixed this 13th day September, 2005.

Stephen J. Warmington, Mayor



CITY OF MUSKEGON

State of Michigan

PROCLAMATION

WHEREAS,

The City of Muskegon wishes to recognize Mrs. Pamela Babbitt for her development of the Heritage Memorial Garden, located on Western Avenue in downtown Muskegon as a tribute for her husband, Edward C. Babbitt, owner of Babbitt's Sports Center. The garden will be a reflection of Edward C. Babbitt's love of nature, flowers, bushes, and trees; and

WHEREAS,

Pamela Babbitt has generously donated the plot of land for the garden and provided the residents of the city and its visitors a lovely place to reflect on the memories of the their loved ones; and

WHEREAS,

Pamela and the late Edward C. Babbitt have earned and justly deserve this public recognition for their many contributions to the Muskegon area, and

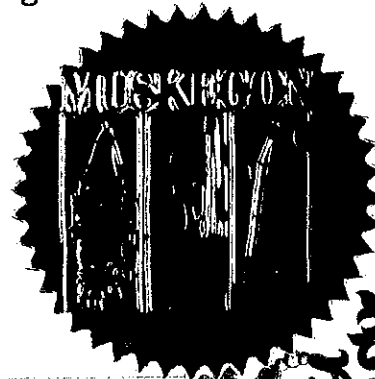
WHEREAS,

The City of Muskegon would like to offer Pamela Babbitt our gratitude and appreciation for this wonderful contribution dedicated to her late husband.

NOW THEREFORE, BE IT RESOLVED; THAT I Stephen J. Warmington, by virtue of the authority vested in me as Mayor and speaking on behalf of the Muskegon City Commission and its citizens hereby issue this Proclamation recognizing Edward C. Babbitt for the contribution of such a lovely garden in the City of Muskegon Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Muskegon to be affixed this September 18, 2005.

Stephen J. Warmington, Mayor



CITY OF MUSKEGON

State of Michigan

PROCLAMATION

WHEREAS, this year marks the 70th Anniversary of the Lakeside Veterans Club of Muskegon, Michigan, and;

WHEREAS, the Club was founded in May of 1935 to provide socialization for Veterans. The present commander is Max Anderson, and the oldest member is Ray Carlson, and the current number of members is 362, and;

WHEREAS, we give honor and praise this day to this organization for supporting the local Sheriffs Association and the Fraternal Order of Police. The Lakeside Veterans Club of Muskegon also sets up College scholarships for member's children and grandchildren. They also co-sponsor a Charity Soft Ball Tournament with other organizations to provide Christmas Food Baskets for those in need who reside in the Lakeside area. They also chair the Memorial Day Parade and, place the American Flag on Veterans graves in area cemeteries and;

WHEREAS, this organization has donated \$1000.00 to the WWII Veterans Memorial in Washington D.C. and;

NOW THEREFORE, I Stephen J. Warmington, by virtue of the authority vested in me as Mayor and speaking on behalf of the Muskegon City Commission and its citizens hereby issue this Proclamation recognizing the commitment and dedication of the Lakeside Veterans Club and offer our best wishes to the members of this organization on their 70th Anniversary.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Muskegon to be affixed this September 24, 2005.

Stephen J. Warmington, Mayor



Date: September 13, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: 2006 Budget Adoption

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2006. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website (www.shorelinecity.com) since September 1st. After hearing public comments, the City Commission may take action to adopt the 2006 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2005.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2006. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the attached budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2006.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2006 City of Muskegon Budget resolution that is attached. Also, approval of the 3rd Quarter 2005 Budget Reforecast as shown in the Budget Book is recommended at this time.

COMMITTEE RECOMMENDATION: The Committee of the Whole will review the budget at their September 12th work session.

2005-84(a)

**CITY OF MUSKEGON
RESOLUTION OF APPROPRIATION
2006 BUDGET**

WHEREAS, the City Manager has submitted a proposed Budget for 2006 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2006 proposed Budget has been reviewed by the City Commission following a public hearing for which due notice was given; NOW, THEREFORE, BE IT RESOLVED that the Budget for the City of Muskegon for the fiscal year beginning January 1, 2006 is hereby determined and adopted as follows:

GENERAL FUND

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
101-10101	City Commission	87,412
101-10102	City Promotions & Public Relations	12,750
101-10145	City Attorney	406,152
101-10172	City Manager	208,396
101-10875	Contributions to Outside Agencies	177,660
101-10891	Contingency and Bad Debt Expense	400,000
101-20173	Administration	172,638
101-20215	City Clerk & Elections	347,353
101-20220	Civil Service	181,541
101-20228	Affirmative Action	82,511
101-20744	Julia Hackley Internships	8,103
101-30202	Finance Administration	428,669
101-30205	Income Tax Administration	350,174
101-30209	Assessing Services	414,562
101-30248	Information Systems Administration	338,129
101-30253	City Treasurer	393,189
101-30851	Insurance Premiums	359,689
101-30906	Debt Retirement	50,000
101-30999	Transfers to Other Funds	930,000
101-40301	Police	8,413,775
101-50336	Fire	3,488,313
101-50387	Fire Safety Inspections	999,117
101-60265	City Hall Maintenance	251,861
101-60446	Community Event Support	65,720
101-60448	Streetlighting	538,936
101-60523	Sanitation	1,572,279
101-60528	Recycling	163,527
101-60550	Stormwater Management	16,384
101-60770	Senior Citizen Transit	58,296
101-70276	Cemeteries Maintenance	464,285
101-70585	Parking Operations	25,000
101-70751	Parks Maintenance	1,244,281
101-70357	Graffiti Removal	4,500
101-70757	McGraft Park Maintenance	57,419
101-70775	General Recreation	365,821
101-70863	Farmers' Market and Flea Market	35,891
101-80387	Environmental Services	307,412
101-80400	Planning, Zoning and Economic Development	460,994
101-90000	Major Capital Improvements	84,585
	Grand Total General Fund Appropriations	<u>\$23,927,324</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	6,844,748
203	Local Streets	1,714,649
254	L.C. Walker Arena	1,515,066
264	Criminal Forfeitures	63,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2006 are estimated as follows:

GENERAL FUND

<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
Taxes	\$ 14,452,170
Licenses and Permits	1,003,000
Federal Grants	149,220
State Grants	18,000
State Shared Revenue	4,680,217
Charges for Sales & Services	2,191,959
Interest & Rentals	234,400
Fines & Fees	517,000
Other Revenue	304,750
Other Financing Sources	70,000
Use of Fund Balance	<u>306,608</u>
 Total General Fund Revenue	
Appropriations	<u>\$23,927,324</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	6,844,748
203	Local Streets	1,714,649
254	L.C. Walker Arena	1,515,066
264	Criminal Forfeitures	63,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000

BE IT FURTHER RESOLVED that the operating expense projections for the following non-budget funds are hereby approved:

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
305	TIFA Debt Service	\$60,000
394	Downtown Development Authority Debt	564,095
290	Local Finance Development Authority Debt	205,847
403	Sidewalk Improvement Fund	433,175
404	Public Improvement Fund	3,047,035
482	State Grants Fund	3,770,000
590	Sewer	5,655,997
591	Water	6,427,684
594	Marina/Launch Ramp	1,749,718
661	Equipment	2,596,570
642	Public Service Building	578,378
643	Engineering Services Fund	613,804
677	General Insurance Fund	4,012,994

BE IT FURTHER RESOLVED, that there is hereby appropriated for said fiscal year the several amounts set forth above which, pursuant to the "Uniform Budget and Accounting Act", define the City of Muskegon's appropriation centers, and

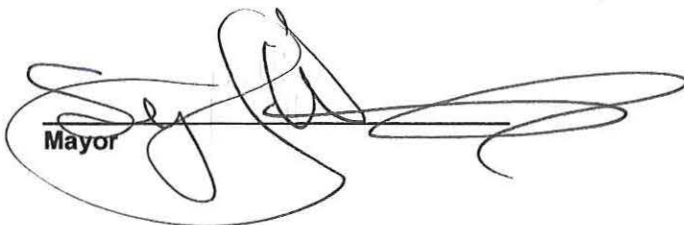
BE IT FURTHER RESOLVED, that the City Manager is hereby empowered to transfer appropriations within appropriation centers, and

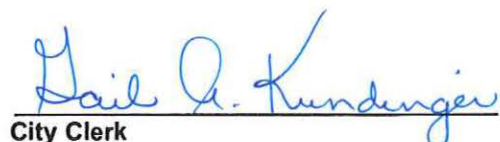
BE IT FURTHER RESOLVED, that there is hereby levied a general tax as herein fixed on each dollar of taxable valuation for the purposes herein outlined, said levy to be applied on all taxable real and personal property in the City of Muskegon as set forth in the assessment roll dated May 2005:

<u>PURPOSE</u>	<u>MILLAGE (MILLS)</u>
General Operating	8.5000
Sanitation Service	2.5000
Promotion	<u>.0755</u>
Total	11.0755

At a regular meeting of the City Commission of the City of Muskegon, on the thirteenth Day of September 2005, the foregoing resolution was moved for adoption by Commissioner Gawron. Commissioner Spataro supported the motion.

Resolution declared adopted.


Mayor


City Clerk

CERTIFICATION
2005-84(a)

This resolution was adopted at a regular meeting of the City Commission, held on September 13, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By:


Gail A. Kunderger, MMC
City Clerk

NOTICE OF HEARING
CITY OF MUSKEGON
2006 BUDGET

Notice is hereby given that a Public Hearing will be held by the City Commission of the City of Muskegon on the proposed 2006 Budget of the City of Muskegon at 5:30 p.m., September 13, 2005, at the Muskegon City Hall Commission Chambers, located at 933 Terrace Street, Muskegon, Michigan.

THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT
THE PROPOSED BUDGET WILL BE A SUBJECT OF THIS HEARING.

A copy of the proposed budget is available for public inspection in the office of the City Clerk, and the Hackley Public Library during regular business hours and through our web site at www.shorelinecity.com. All interested citizens will have the opportunity to give written and oral comments.

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

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four (24) hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

GAIL A. KUNDINGER, MMC
City Clerk
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705
TDD: (231) 724-4172

Publish: September 3, 2005

NOTE: Must be 11 pt. Bold Face type.

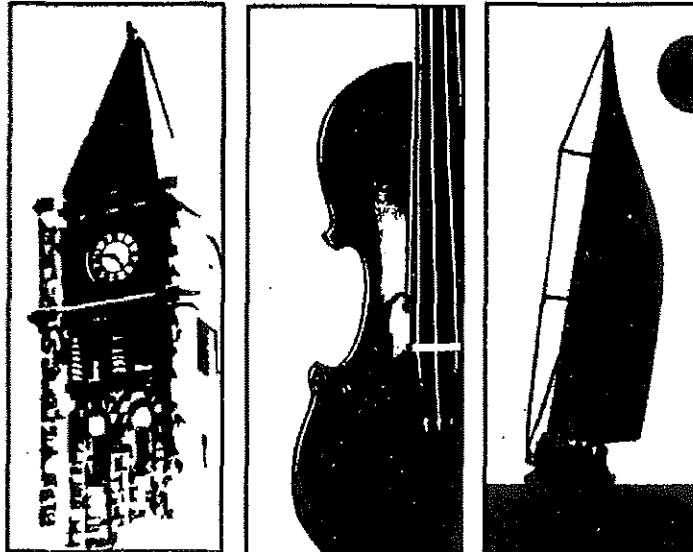
City of Muskegon,
Michigan

see packet for whole book.

2006 Proposed Budget and Quarterly Budget Reforecast

For The Year Beginning January 1, 2006

MUSKEGON



West Michigan's Shoreline City

Updated item

Commission Meeting Date: September 13, 2005

Date: September 6, 2005

To: Honorable Mayor & City Commission

**From: Planning & Economic Development
Department**

**RE: Tool & Die Recovery Zone Status for Northern
Machine Tool**

SUMMARY OF REQUEST: To approve the attached development agreement and Resolution establishing a Tool & Die Recovery Zone for Northern Machine Tool, 761 Alberta.

FINANCIAL IMPACT: The City will forego approximately \$7,300.00 per year for a total of approximately \$109,545 in taxes for the 15 year period of the zone.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement, approve the resolution establishing a Tool and Die Recovery Zone, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

Resolution to Request a Renaissance Recovery Zone
2005-85(a)

WHEREAS, the City of Muskegon desires to promote economic activity and maintain/ increase the number of jobs available to residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity;

WHEREAS, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by the business enabling it to reposition itself to compete globally, and;

WHEREAS, the business have entered into a collaborative agreement with other business entities having the appropriate North American Industry Classification System (NAICS) codes, and;

WHEREAS, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations;

WHEREAS, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the city, county, and other units of government as provided under this Act, and;

WHEREAS, we estimate that the tax revenue lost, which is estimated on the attached schedule, would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community.

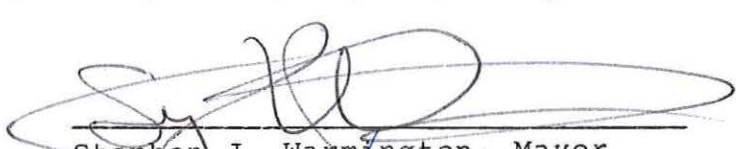
THEREFORE BE IT RESOLVED, that the City requests that the State of Michigan designate Northern Machine Tool, Property ID number , 61-24-400-000-0034-00, 61-24-400-000-0041-00, 61-24-400-000-0026-00, 61-24-400-000-0028-00, 61-24-400-000-0030-00, 61-24-400-000-0032-00, 61-24-400-000-0045-00 identified by the resolution a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of up to 15 years.

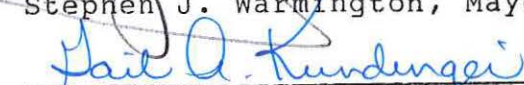
Adopted.

Date: September 13, 2005

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

Nays: None


Stephen J. Warmington, Mayor


Gail A. Kunderger, City Clerk

Abated taxes – Northern Machine Tool

	Personal Property	Real Property	Yearly Total	# of years	TOTAL
City	\$4,293	\$3,010	\$7,303	15	\$109,545

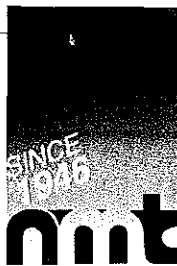
CERTIFICATION
2005-85(a)

This resolution was adopted at a regular meeting of the City Commission, held on September 13, 2005. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By:


Gail A. Kunderger, MMC
City Clerk



**NORTHERN
MACHINE
TOOL
COMPANY**

761 Alberta Ave.
Muskegon, MI 49441
231-755-1603

Fax 231-759-7917

PROGRESSIVE DIES - HORIZONTAL BORING - BLANCHARD GRINDING - SPECIAL MACHINES - WIRE E.D.M.

RECEIVED

SEP 06 2005

**MUSKEGON
CITY MANAGER'S OFFICE**

August 31, 2005

Mr. Bryon L. Mazade
City Manager
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Ref: Northern Machine Tool Company - Tool & Die Renaissance Recovery Zone

Dear Brian:

Northern Machine Tool Company is applying for a Tool and Die Renaissance Recovery Zone as allowed by the Michigan Strategic Fund (MSF). A critical step of the application process requires our local government to approve the request prior to the State of Michigan reviewing. It is our hope that the City of Muskegon will adopt a resolution granting a 15-year duration for Northern Machine.

In 2006 Northern Machine will celebrate its 60th anniversary. We look forward to another 60 years of doing business in the City of Muskegon.

The City of Muskegon approval of this request will assist us in our attempt to survive in the economically difficult tool and die business. Low cost countries like China and Korea continue to take a greater percentage of the specialty work done by our skilled employees.

Northern Machine is one of the eight tooling companies in the Whitehall Township Tooling Coalition applying for the Recovery Zone.

It is Northern Machines' hope that approval of this designation will assist us in growing our business in Muskegon and develop additional customers through our Coalition Partners. Two years ago Northern Machine developed plans for a building addition that would lead to additional equipment and several added jobs. Unfortunately, the weak manufacturing economy hit us hard in our business sector and delayed our expansion plans.

We hope that getting the Recovery Zone approval will assist us in moving forward with our Coalition Partners. This should assist us in stabilizing our business and hopes for long term growth in Muskegon.

Thank you in advance for your consideration and support.

Very truly yours,

Steve Olsen
President

nc

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON TOOL AND DIE RENAISSANCE RECOVERY ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49443 ("City") and Northern Machine Tool Company of 761 Alberta Avenue, Muskegon, MI 49441 ("Company").

Recitals:

A. The City has received a request from the Company and intends to consider the location designation of a Tool and Die Renaissance Recovery Zone, and as a condition thereof this Agreement must be approved and executed by the Company prior to the establishment of the Tool and Die Renaissance Recovery Zone. Upon approval of Tool and Die Renaissance Recovery Zone status for the Property, the City will sign this Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Tool and Die Renaissance Recovery Zone, and the City relies upon the undertakings of Company in the Agreement to allow and to continue the Tool and Die Renaissance Recovery Zone status of the Company.

B. The Company intends to install the projects previously set forth in its Application for Industrial Facility Tax abatement application which was approved by the City of Muskegon on July 13, 2004 (attached). The Company understands that the City relies upon the undertakings of the Company in the Agreement to establish and to continue the Company's status as a Tool And Die Renaissance Recovery Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. **DOCUMENTS ATTACHED.** Included in this Agreement are the following documents which have been collected and relied upon by the parties:
 - 1.1 The Application for Industrial Facility Tax Abatement approved by the City of Muskegon on July 13, 2004.
 - 1.2 The Contract for Tax Abatement between the City and the Company.
 - 1.3 Copy of the Michigan Renaissance Zone Act, as amended to date.

2. COMPANY AGREEMENT. The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner.

- 2.1 Addition of three employees.

- 2.2 Maintain the current level of employment at the same level (43 employees) as when the Company applied for the Industrial Facility Tax Abatement.

- 2.3 The Company shall improve the properties in the amount of \$450,000 in real property and \$250,000 in personal property, in accordance with the Application for Industrial Facility Tax Abatement application approved by the City of Muskegon on July 13, 2004.

3. AGREEMENT BY THE CITY. Provided this Agreement has been executed and further provided all applications concerning Tool and Die Renaissance Recovery Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary with the State of Michigan and with all local review entities by law. The City may consider this agreement in a meeting separate from and prior to the meeting in which the City or any entity considers the approval of the applicant for Tool and Die Renaissance Recovery Zone status.

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

- 4.1 Failure to meet any of the commitments set forth above.

- 4.2 Failure to afford to the City the documentation and reporting required.

- 4.3 The failure to pay any taxes other than those exempted by the Michigan Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal.

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

- 4.5 Relocation of the Company to a location outside of the City limits of the City of Muskegon.

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

- 5.1 Failure to Install Improvements. In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.2 Failure to Expend the Funds Represented. Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its application that it would invest, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company.
- 5.3 Failure to Maintain the Current level of employment. Whether or not the installations have been completed, if the Company has not maintained the number of employees at the same level as when the application for Industrial Facility Tax Abatement was submitted, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company.
- 5.4 Relocation of the Company to a location outside of the City limits of the City of Muskegon. In the event the Company relocates outside of the City of Muskegon, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court or entity with authority.
- 5.6 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration:
- 5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the

default or circumstance causing the proposed action by the City.

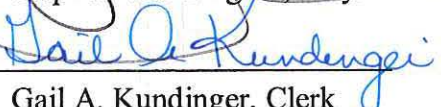
- 5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.
 - 5.6.3 Whether the effect on the City's finances of the Company's actions is material and substantial.
 - 5.6.4 Whether the circumstances affecting the status of the company was created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.
- 6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Michigan Renaissance Zone Act of the State, as amended.
 - 7. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.
 - 8. Benefits. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors assigns and personal representatives.
 - 9. Effective Date. This Agreement shall be effective on the date the State of Michigan grants the Tool and Die Renaissance Recovery Zone designation.
 - 10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By


Stephen Warmington, Mayor

and


Gail A. Kunderger, Clerk

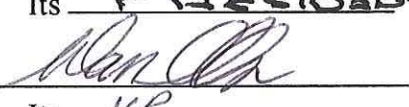
Dated: 9-13, 2005

Northern Machine Tool Company

By


Its PRESIDENT

and


Its VP

Dated: 11-30, 2005

Date: September 12, 2005
To: Honorable Mayor and City Commission
From: Water Filtration Plant
RE: Filter Turbidimeter Replacement

SUMMARY OF REQUEST:

To replace the existing ten filter turbidimeters at the water filtration plant.

FINANCIAL IMPACT:

\$19,500.00 plus shipping and handling. Installation will be made by Staff.

BUDGET ACTION REQUIRED:

This planned purchase is budgeted.

STAFF RECOMMENDATION:

Recommend purchasing the ten filter turbidimeters from HACH Company at a cost of \$19,500.00 plus shipping and handling.

MEMORANDUM

8/29/05

TO: M. AL-SHATEL, DEPUTY DPW
FROM: R. VENEKLASEN, WATER FILTRATION
RE: REPLACEMENT FILTER TURBIDIMETERS

BACKGROUND

The Water Filtration Plant budgeted for the replacement of the ten on-line filter turbidimeters. These turbidimeters are required by the Environmental Protection Agency and the Michigan Department of Environmental Quality to ensure compliance with the finished water turbidity limit reporting. These units provide a snapshot data reading every fifteen minutes a filter is in use.

Turbidity is a measure of material (particles) suspended in the water column. The measure is without units but is classified as Nephelometric Turbidity Units (NTU's).

The existing Great Lakes brand turbidimeters have served the Plant well since their installation in 1993 as part of the Instrumentation and Control project. Since their installation the company has been sold and spare or replacement parts have become difficult to acquire.

BIDS

Company	Bid
GFS Chemicals	\$16,092.00 + S&H
PO Box 245	
Powell OH 43065	
800-858-9682	

HACH Co.	\$19,500.00 + S&H
PO Box 608	
Loveland CO 80539-0608	
800-227-4224	

Russell Supply Ltd.	\$18,400.00 + S&H
INC Technical Incorporated	
9435 WaterStone Blvd. Suite 140	
Cincinnati, OH 45249	

RECOMMENDATION

Due to the age of these units, the stringent application and the scarcity of parts it was determined they required replacement.

The Plant Chief Operator, Kevin Herbert, solicited price quotation for replacement turbidimeters. I concur with his recommendation that we replace our current turbidimeters with the 1720E model offered by HACH Company at a cost of \$19,500.00 plus shipping and handling.

8/22/2005

To: Bob Veneklasen

From: Kevin Herbert

Re: Budgeted Turbidimeter Replacement Purchase

In our continuing efforts to remain in compliance with DEQ and our efforts in optimizing plant performance I have solicited bids for the purchase of 10 replacement turbidimeters.

I have researched the available turbidimeter brands on the market and have reached the conclusion that the 1720E manufactured and supported by the Hach Company is the best value and will meet our needs for accuracy and reliability for at least 10 years. The 1720E is considered the industry standard and is the most widely used unit currently being manufactured. The quote from Hach included ten SC 100 controllers that will provide redundancy as one SC can control two turbidimeters. We are currently using this brand on 5 of our finished water sites without any instance of failure speaks to the quality of this product. Ease of calibration is another important factor in Hach's favor. The total cost quoted for 10 units including a calibration cube is \$19,500.00

I also requested a quote from Great Lakes Instruments. We have used this brand for over ten years to monitor our finished water turbidity. This company was recently purchased by Hach Company and it appears they are phasing this line out. We have not been able to purchase replacement parts and these units are beginning to require more maintenance and continuing calibration. We were quoted a price of 17,750.00 which also includes a calibration cube.

The third and fourth quotes was solicited from GFS Chemicals and Russell Mainstream Supply. These model are new on the market and although promising is unproven at this point. The measurement range is not as accurate as the Hach's although the accuracy is the same at plus or minus 2% of reading.

In conclusion, it is my recommendation we purchase the 10 turbidimeter 1720E from the Hach Co. Hach's continued support and technical service have proven invaluable in ensuring our success with instruments and supplies we have purchased in the past.

QUOTATION**Be Right**

ATTN: KEVIN HERBERT
MUSKEGON WATER PLANT
1900 BEACH ST
MUSKEGON MI 49441

DATE: 7/13/05

HACH COMPANY

P.O. Box 608, Loveland, CO 80539-0608
Phone 800-227-4224, FAX: 970-669-2932
E-Mail: quotes@hach.com
Web: www.hach.com

Order Bid Reference Number: Q3395290

(USE QUOTATION Bid reference number to ensure you receive prices quoted)

Project Ref. No.: QUOTE 1720E'S

JOHN INGLERIGHT
REGIONAL SALES MANAGER
(800)227-4224

Customer Phone: 2317244105
Customer Fax: 2317555290

We are pleased to quote on your inquiry.

CATALOG NUMBER	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENDED PRICE
6010100	1720E TURBIDMETER w/sc100 CONT	10	1,950.00000	19,500.00
=====				
ONE OPERATIONS MAINTENANCE MANUAL IS SHIPPED WITH EACH OF THE ABOVE INSTRUMENTS. THERE IS A CHARGE FOR ANY ADDITIONAL MANUALS ORDERED. ONLY STANDARD OEM MANUALS PROVIDED. =====				
=====				
THIS QUOTATION DOES NOT INCLUDE FREIGHT CHARGES. PLEASE REFER TO THE ENCLOSED FREIGHT SCHEDULE WHICH IS BASED ON THE TOTAL DOLLAR AMOUNT PER SHIPMENT. CERTAIN LARGE AND/OR HEAVY ITEMS MAY HAVE ADDITIONAL CHARGES. =====				
=====				
PRICES QUOTED ARE VALID ONLY FOR ORDERS BILLING - SHIPPING WITHIN THE USA, NOT FOR ULTIMATE EXPORT. =====				

SHIPPING FROM:
AMES, IOWA, USA
Prices firm for orders received by SEPTEMBER 11, 2005
Shipment within 60 days after the receipt of
firm order.
PAYMENT TERMS: NET 60 DAYS FROM INVOICE DATE

PAYMENT TERMS ARE SUBJECT TO CREDIT REVIEW.
REFER TO CONDITIONS ON REVERSE SIDE. SALES/USE
TAXES ARE NOT INCLUDED IN QUOTATION. Taxes will
be added to invoice unless valid resale/exemption certificate
is provided. Freight charge schedule attached. Send
confirming purchase order for orders \$25,000 or more to
address or fax number above.

Joyce Nakaya
Signed: HACH COMPANY



ONLINE TURBIDIMETER

Leading edge Microelectronic Technology combined with 30 years of optical measurement expertise has allowed HF Scientific to become the leader in regulatory reporting turbidimeters. The HF MicroLOL On-Line Turbidimeter has been specifically designed to meet regulations of the EPA and ISO 7027. Features include fast and easy calibration, verification in seconds, low maintenance, fail safe design which ensures your instrument is always reading accurately, bubble rejection system, optional automatic continuous ultrasonic optical cleaning system, and a data acquisition software system that allows logging and data storage for multiple turbidimeters.

STANDARD FEATURES:

Fast and Easy Calibration:

Verification in seconds while a complete primary calibration can be completed in less than 5 minutes.

Low Volume Sample Chamber:

Low volume sample chamber (30ml) reduces calibration costs and provides quick response times.

Low Maintenance Fail Safe Design:

Simple Modular Design.

Easy to Use and Service.

Bubble Rejection System:

Eliminates Bubbles without delaying the response time.

Affordable:

Modular microprocessor based technology ensures high quality at the industry's lowest price.

Optional Features:

Autoclean:

Automatic Continuous Ultrasonic cleaning allows for the first EPA Accepted Automatic Cleaning OnLine Turbidimeter.

RS-485 with Modbus:

Digitally connect with high speed Modbus communications.

Online Software:

Allows logging, comparisons, graphs and data acquisition for up to 256 online turbidimeters into a PC.

Remote Display:

Allows remote monitoring up to 500 feet away.



The MicroLOL is delivered fully calibrated and includes 4-20ma, backlight display, RS-485/Modbus, desiccant, inline pressure regulator, power supply and quick start guide. The MicroLOL 2 also includes a spare measuring cuvette with light shield.

SPECIFICATIONS

Range:	0 - 1000 NTU
Measurement Principle:	Nephelometry (90)
Accuracy:	2% of reading or ± 0.015 below 40 NTU 5% of reading above 40 NTU
Resolution:	0.0001 Selectable
Response Time:	Adjustable (5 to 500 seconds) 0 to 1000 NTU
Standard Outputs:	4-20 ma Galvanic Isolated or RS-485
RS-485 Protocols:	Modbus, HF Simplebus, HF OnLine Interface
User Alarms:	2 User selectable high/low Alarms
Light Source:	White Light or Infrared (850nm LED)
Operating Temperature:	0°-50°C (32° to 122°F)
Input Pressure:	1 - 200psi (built in regulator set at 15psi)
Enclosure:	Nema 4X, IP66
Display:	Multiline Custom LCD (backlight option)
Certifications:	USEPA, ISO 7027, CE Approved, ETL Listed to UL 3111-1 and ETL Certified to CSA 22.0 No. 1010-1-92

Herbert, Kevin

From: cindy@gfschemicals.com
Sent: Friday, July 15, 2005 12:19 PM
To: Herbert, Kevin
Subject: GFS Quote# 30621

Dear Kevin :

Thank you for your interest in GFS Chemicals. The following is the quote you have requested. Please refer to the quote number provided when placing your order. GFS Chemicals is a manufacturer of analytical lab reagents and research chemicals. We offer over 3000 chemical products ranging from gram to metric ton quantities. It would be our pleasure to assist you.

Kindest Regards,

Cindy Marquez
 Account Executive
cindy@gfschemicals.com
www.gfschemicals.com

GFS Chemicals, Inc. P.O. Box 245 Powell, OH 43065 Phone: 800-858-9682 (US and Canada) or 740-881-5501 Fax: 740-881-5989						
Billing Address: CITY OF MUSKEGON Quote prepared for: KEVIN HERBERT		Shipping Address: CITY OF MUSKEGON 1900 BEACH STREET MUSKEGON MI 49441				
Customer No.	Quote #	P.O. #	Date Entered	Entered By		
90660	30621	Q 30621	7/15/05	CKM		
Quantity	Stock#	Item#	Description	Size	UnitPrice	Amount
10.00	86279	86279	TURBIDIMETER, HF MICRTOL2	UNITS	1250.00	12500.00
			==> PLEASE ALLOW 2-3 WEEKS LEAD TIME			
			==> ON THESE INSTRUMENTS			
1.00	85005	8000	TURB STD, 0.0 NTU	1 L	56.00	56.00
1.00	85063	8014	TURB STD, 10 NTU	1 L	56.00	56.00
1.00	85092	8021	TURB STD, 100 NTU	1 L	56.00	56.00
1.00	85122	8030	TURB STD, 1000 NTU	1 L	56.00	56.00
1.00	85180	8000	TURB STD, 0.0 NTU	SS HF	42.00	42.00
1.00	86112	8014	TURB STD, 10 NTU	SS HF	42.00	42.00
1.00	86171	8021	TURB STD, 100 NTU	SS HF	42.00	42.00
1.00	86113	8030	TURB STD, 1000 NTU	SS HF	42.00	42.00

==> MSDS & C/A FOR ALL W/SHIPMENT

==> *****

1.00 85905 85905 SOFTWARE, HF ONLINE

UNITS 3200.00 3200.00

==> **NOT REQUIRED**

TOTAL: 16092.00

Expiration Date: 8/30/05

All orders FOB Columbus, OH -- Our plant.

In U.S. dollars which must be drawn on a U.S. bank.

All returns subject to a 25% restocking fee.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING September 13, 2005

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 26, 2005

RE: Seyferth Park Skate Ramp

SUMMARY OF REQUEST:

To purchase a new ramp for the Seyferth Park Skate Park from Spohn Ranch, Inc. from the City of Industry, CA in the amount of \$39,000 installed. Funds for the purchase will come from the Seyferth Fund within the Community Foundation for Muskegon County.

FINANCIAL IMPACT:

\$39,000

BUDGET ACTION REQUIRED:

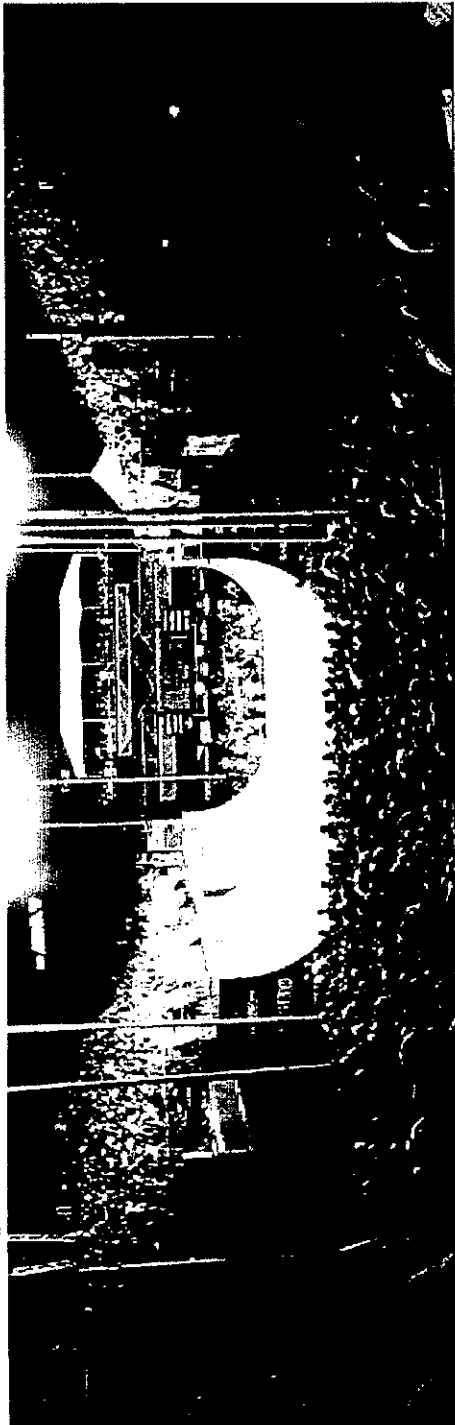
Authorize necessary budget adjustments.

STAFF RECOMMENDATION:

To approve the purchase of a 6' x 16' Mini Half Pipe Ramp (HD Series) from Spohn Ranch, Inc. which includes installation.

COMMITTEE RECOMMENDATION:

None



HD Series

– HD Series Features –

Using similar fabrication techniques to our P2 Classic Line, the HD Series is the first of its kind on the market today. The result of years of R & D, the HD Series features a hot-dip galvanized steel structure for superior corrosion protection, finished off with a Spohn Ranch exclusive super-thick monolithic phenolic surface.

This surface is water-resistant, UV-resistant, and withstands extreme temperature and high impact. It was designed to provide the ultimate balance between smoothness for safety and proper texture to grip urethane skate wheels. As a result, it is the first choice of athletes who ride ramps professionally, and is used in pro skateboard and BMX competitions worldwide.

The single-layer surface features a bolt-through attachment for increased durability. This equipment has been designed for a more competitive price point through decreased manufacturing costs associated with only one surface material. Additionally, working with phenolic material only will facilitate easy maintenance.

- All hot-dip galvanized steel structure
- Adjustable feet for easy leveling on uneven surfaces
- Spohn Ranch exclusive super-thick phenolic riding surface
- Ventilated ramp enclosures to prevent access under the equipment
- Low Maintenance
- Durable
- Graffiti-resistant riding surface
- Separate steel threshold to create a smooth transition to the ground
- Tamper-resistant galvanized steel fasteners
- Custom configurations available
- 20-YEAR LIMITED WARRANTY



community foundation

Muskegon County

RECEIVED

SEP 09 2005

MUSKEGON
CITY MANAGER'S OFFICE

425 W. Western Ave.

Suite 200

Muskegon, MI

49440.1101

Ph. 231.722.4538

Fax 231.722.4616

info@cffmc.org

www.cffmc.org

September 1, 2005

Mr. Bryon Mazade, City Manager
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

Dear Bryon:

We are very pleased to inform the City of Muskegon that it has been awarded a grant of \$39,000 from the Thomas and Geraldine Seyferth Fund of the Community Foundation for Muskegon County to support the purchase and installation of new equipment at Seyferth Skatepark. This will be paid in two installments of \$19,500 each.

We encourage you to publicize this grant to recognize the fund which made this award possible. Please refer to the publication guidelines for communicating your grant.

Enclosed are two copies of your Grant Agreement. Please sign and return one copy to our office noting any Special Conditions and the Public Relations requirements of the Grant Agreement. Also enclosed is a logo sheet for use in any printed material. The first installment of \$19,500 will be forwarded within 30 days of receiving the signed grant agreement. The second installment of \$19,500 will be paid in February, 2006.

The Thomas and Geraldine Seyferth Fund of the Community Foundation for Muskegon County is pleased to be a partner with the City of Muskegon. We wish you success with your program.

Sincerely,

Chris A. McGuigan
President

Board of Trustees

Michael H. Bozym, Ph.D.
Chair

Peter M. Turner
Vice Chair

Patricia B. Johnson
Vice Chair

Scott A. Musselman
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Bruce C. Rice

Arthur V. Scott

John W. Swanson II

Sue Wierengo

Judith L. Wilcox

John Workman

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For good. For ever.

Purpose: To insure all veteran graves are properly marked with flags for Memorial Day.

Who we are: Greater Muskegon Memorial Day Committee

Made up of volunteer representatives of veteran groups in Muskegon County:

American Legion	Disabled American Veterans
Veterans of Foreign War	Marine Corp League
Catholic War Veterans	Lakeside Veterans Club
Vietnam Veterans of America	

What services we have provided:

1. Publicize Muskegon County Memorial Day events
2. Organize and direct the Greater Muskegon Memorial Day Parade
3. **Purchase and distribute flags and markers for veterans graves, for municipalities who want that service.**
4. Oversee placing flags and markers on veterans graves.
5. Provide wreaths and programs for Memorial Day activities.

History of Committee:

For many years Doug Lawton, headed the committee. Procedures were developed where the City of Muskegon, as well as other municipalities with cemeteries, was provided with flags for all veterans graves. Municipalities without cemeteries made donations to help pay for flags and markers. Upon Doug's death Milt Mockerman became the chairman. Present chairman is Roger Knopf

Background of Laws:

1. The original Act 63 of 1915 required (upon the petition of 5 eligible voters) that the City pay for flags and markers for veteran graves in cemeteries owned by the city, and for cemeteries 'generally used by the population of the city'.
2. The Act has since been amended, first to eliminate payment for non-city owned cemeteries, and then to make payment optional ('may procure') for those cemeteries. (see 35.831 on the attached sheet).
3. Private cemeteries are required to provide a flag on a veteran's grave of the request of a family member. (see 35.832a)

Concern:

In the past, the City of Muskegon has paid for flags and markers for all the cemeteries within the city limits. This year a decision was made, as relayed by the Cemetery Department, to pay for only flags and markers used in 'city owned' cemeteries. Payment was denied for St Mary's Cemetery and Sunrise Memorial Gardens.

Veterans buried in St Mary's and Sunrise Memorial Gardens are primarily former citizens of Muskegon. Their service should be honored just as citizen veterans buried in city owned cemeteries. The requirements in 35.832a would not insure that those veterans would be properly honored for their service.

Request: The City of Muskegon continue paying the cost of flags and markers for veteran graves in St Mary's Cemetery and Sunrise Memorial Gardens.

MARKERS FOR VETERANS' GRAVES
Act 63 of 1915

AN ACT to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed.

History: 1915, Act 63, Imd. Eff. Apr. 20, 1915;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979;—Am. 1988, Act 263, Imd. Eff. July 15, 1988.

The People of the State of Michigan enact:

35.831 Flag holders and United States flags for veterans' graves in cemetery belonging to city, village, or township; petition; expense; purpose.

Sec. 1. (1) The legislative body of a city, village, or township in this state, upon the petition of 5 eligible voters of the city, village, or township, shall procure for and furnish to the petitioners, at the expense of the city, village, or township, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried within the limits of a cemetery belonging to the city, village, or township.

(2) The legislative body of a city, village, or township in this state, upon petition of 5 eligible voters of the city, village, or township, may procure for and furnish to the petitioners, at the expense of the city, village, or township, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried in any cemetery located within the limits of the city, village, or township that does not belong to that city, village, or township.

(3) A flag holder and United States flag shall be placed on the grave of a veteran for the purpose of marking and designating the grave for memorial purposes.

History: 1915, Act 63, Imd. Eff. Apr. 20, 1915;—CL 1915, 1062;—CL 1929, 936;—CL 1948, 35.831;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979;—Am. 1988, Act 263, Imd. Eff. July 15, 1988;—Am. 2005, Act 26, Imd. Eff. May 23, 2005.

35.831a Flag holder and United States flag; procurement by county; expense.

Sec. 1a. (1) The legislative body of a county in this state, upon petition of 5 eligible voters of the county, may procure for and furnish to the petitioners, at the expense of the county, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried in any cemetery located within the limits of the county that does not belong to that county.

(2) A flag holder and United States flag shall be placed on the grave of a veteran for the purpose of marking and designating the grave for memorial purposes.

History: Add. 2005, Act 27, Imd. Eff. May 23, 2005.

35.832 Contents of petition.

Sec. 2. In a petition to the legislative body of a city, village, or township, the petitioners shall set forth the name of the airman, soldier, sailor, and marine whose grave has not been appropriately marked as contemplated in this act, together with the number of the graves at the time of petitioning, and the cemetery where the graves are located.

History: 1915, Act 63, Imd. Eff. Apr. 20, 1915;—CL 1915, 1063;—CL 1929, 937;—CL 1948, 35.832;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979.

35.832a United States flags for veterans' graves in privately owned cemetery; request; expense.

Sec. 2a. (1) A privately owned cemetery, upon the request of a family member of a veteran of the armed forces of the United States who is buried within the cemetery, shall provide a suitable United States flag not larger than 12 inches by 18 inches, at the cemetery's expense, for the grave of the veteran. The cemetery shall be responsible for the cost and maintenance of the United States flag.

(2) A privately owned cemetery shall provide the United States flags required under subsection (1) for placement during Memorial day, the fourth of July, and Veterans day, and may, but shall not be required to, provide the United States flags during any other times of the year.

(3) A request to a privately owned cemetery under this section shall include the location of the grave of the veteran for whom a United States flag is to be provided. The family member who makes the request is responsible for placing the United States flag on the grave of the veteran, and may supply and use, at his or

**Greater Muskegon Memorial Day Committee
Muskegon, Michigan**

June 10, 2005

Gail Kindinger, Clerk
City of Muskegon
P.O. Box 536
Muskegon, MI 49443

The following is the list of American Flags and markers provided for marking Veterans graves in cemeteries in the City of Muskegon this May, in accordance with the Act 63 of 1915 as amended by Acts 142 of 1979 and 263 of 1988:

<u>Cemetery</u>	<u>Number of Flags</u>	<u>No. of Markers</u>
Evergreen	360	0
Lakeside	1056	15
Oakwood	612	6
Restlawn	360	0
St Mary's	1946 -	25
Sunrise	3600 -	0
Total	7934	46

Total for flags = 7934 x \$0.80 =	\$6347.20
Total for markers = 46 x \$5.49=	<u>252.54</u>
Total Due	\$6599.74

Please make your remittance payable to:

The Greater Muskegon Memorial Day Committee
and send to:

**The Greater Muskegon Memorial Day Committee
c/o Roger Knopf, Chairman
6116 Ridgeview Drive
Muskegon, MI 49441-6146**

Thank you for your support of Veterans.

Roger A Knopf
(231)798-4123

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C.N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
724-4786

Treasurer
724-6720

Water Dept.
724-6718



August 8, 2005

Mr. Roger A. Knopf
The Greater Muskegon Memorial Day Committee
6116 Ridgeview Dr.
Muskegon, MI 49441-6146

Dear M. Knopf,

We have received your request for payment of flags and markers for Veterans graves on Memorial Day. We have been informed by the City Attorney that we are only responsible for the flags and flag holders of Veterans buried within the Cemeteries owned by the City. The "Markers for Veterans Graves Act" (MCL 38.831) has been amended. For any Cemeteries located within the City limits that are not owned by the City, the act now places the requirement on the owner of the private cemetery to provide the flags.

Finally, the Act does give the option to the City or the County to provide flags for Veterans who are buried in the Cemeteries not owned by the city but which are within City limits. The City of Muskegon chooses to only pay for the flags and the flag holders for Veterans in the City owned Cemeteries. (Evergreen, Lakeside, Oakwood and Restlawn Cemeteries). I submit that the City of Muskegon's amount due is \$2025.69.

Sincerely,

A handwritten signature in cursive script that reads "Larry DeCou".

Larry DeCou
City of Muskegon
Cemetery Supervisor