

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

SEPTEMBER 9, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

### AGENDA

**2008-78 HONORS AND AWARDS:**

- A. West Michigan Trails & Greenways Coalition.

**2008-79 CONSENT AGENDA:**

- A. Approval of Minutes. CITY CLERK  
B. Liquor License Request for CSTS Inc., 2185 Henry. CITY CLERK  
C. Selection of Vinyl Siding Supplier for Fiscal Year 2008-2009.  
COMMUNITY & NEIGHBORHOOD SERVICES  
D. Selection of Vinyl Siding Installer for Fiscal Year 2008-2009.  
COMMUNITY & NEIGHBORHOOD SERVICES

**2008-80 ITEM REMOVED FROM THE CONSENT AGENDA:**

- E. Water Service Agreement with the City of Muskegon Heights. CITY  
MANAGER

**2008-81 PUBLIC HEARINGS:**

- A. 2009 Budget. FINANCE

**2008-82 NEW BUSINESS:**

- A. Liquor License at 435 & 441 W. Western. CITY MANAGER

**ADJOURNMENT:** 6:02 p.m.

# City of Muskegon

To all that are present:

*Know That The Honorable*

**WEST MICHIGAN TRAILS &  
GREENWAYS COALITION**

*Is Hereby Commissioned An*

**Honorary Ambassador**

*The Muskegon City Commission confers this honor with  
all the rights, privileges and responsibilities thereunto  
appertaining.*

*In testimony whereof, I hereby cause the City Seal to be  
hereunto affixed on this 9th day of September 2008.*

*Stephen J. Warmington  
Mayor*

**Becker, Ann**

**From:** Al-Shatel, Mohammed  
**Sent:** Thursday, August 28, 2008 3:17 PM  
**To:** Becker, Ann  
**Subject:** FW: Check Presentation - Musketawa Trail

[This is the email from the group that should be recognized at the next commission meeting.](#)

-----Original Message-----

**From:** Executive Director [mailto:westmichigantrails@gmail.com]  
**Sent:** Thursday, August 28, 2008 11:27 AM  
**To:** Al-Shatel, Mohammed  
**Cc:** CarolynKane; Dennis Kneibel; Jeff Mitchell; Jonathan Nagel; Phil VanNoord; Stephen Potter; Tom Anderson; Tom Anderson-Alt  
**Subject:** Check Presentation - Musketawa Trail

good morning, Mohammed;

It was nice talking with you this morning, and I appreciate your suggestion regarding our presentation of the monies for the Musketawa Trail Connector Project.

As requested, here are some ideas to use: Thank the West Michigan Trails & Greenways Coalition for their contributions of money, time, and as facilitator, guide, and agent for the Musketawa Trail Connector Project through the process of helping to secure funding. Thank the Wege Foundation for their vision for trails & green spaces, and for their partnership in providing these funds through the West Michigan Trails & Greenways Coalition. Comment on what this money means to the Project.

Mohammed, I think this will be very sufficient for us, and you can add whatever else you wish.

I am copying our Board on this note, so they will be in the information loop. I definitely plan to attend the meeting and present the check to you, and, hopefully, some of our Board members' schedules will allow them to attend as well.

Kindly send me the exact date, time, and place of the meeting, along with directions. I will look forward to meeting you at that time.

Best regards,  
Sharon

--

Sharon R. Nunnelee  
Executive Director  
West Michigan Trails & Greenways Coalition  
4658 West River Drive  
Comstock Park, MI 49321  
616-485-7805 (cell)

9/2/2008

**Date: September 9, 2008**  
**To: Honorable Mayor and City Commissioners**  
**From: Ann Marie Becker, City Clerk**  
**RE: Approval of Minutes**

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SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 26<sup>th</sup>.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

**Date: September 9, 2008**  
**To: Honorable Mayor and City Commissioners**  
**From: Ann Marie Becker, City Clerk**  
**RE: Liquor License Request**  
**CSTS Inc.**  
**2185 Henry**

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SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from CSTS, Inc. for a new Additional Bar Permit (for a total of two bars) and a new Dance Permit to be held in conjunction with the 2008 Class C and SDM Licensed Business with Entertainment Permit and Outdoor Service (one area), located at 2185 Henry.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



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

**FOR MLCC USE ONLY**

Request ID # 474697

Business ID # 137529

**LOCAL APPROVAL NOTICE**

[Authorized by MCL 436.1501]

August 4, 2008

**TO:** Muskegon City Commission  
933 Terrace Street  
PO Box 536  
Muskegon MI 49443-0536

**APPLICANT: CSTS, INC.**

**Home Address and Telephone No. or Contact Address and Telephone No.:**

Contact: Charles A. Slater H (231) 773-0580 B (231) 759-0046

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. 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 MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 364-4634.

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

ljt

2008-79(B)  
**RESOLUTION**

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 9, 2008, 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Gawron

**That the request from CSTS, INC. for a new Dance Permit to be held in conjunction with 2008 Class C licensed business with Entertainment Permit, located at 2185 Henry, Muskegon MI 49441, Muskegon County, and a new Additional Bar Permit.**

be considered for Approval  
 (Approval or Disapproval)

**APPROVAL**

Yeas: 7

Nays: 0

Absent: 0

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

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 9, 2008.  
 (Date)

SEAL

(Signed) Ann Marie Becker  
 (Township, City or Village Clerk)

**Ann Marie Becker, MMC, City Clerk**  
**933 Terrace, Muskegon, MI 49440**  
 (Mailing address of Township, City or Village)



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

## LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

### FOR MLCC USE ONLY

Request ID # 474697

Business ID # 137529

7-17-08 *TJH*

June 13, 2008

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

Re: CSTS, INC. REQUESTING A NEW ADDITIONAL BAR PERMIT (FOR A TOTAL OF 2 BARS), ON 2008 CLASS C AND SDM LICENSED BUSINESS, WITH ENTERTAINMENT PERMIT AND OUTDOOR SERVICE (1 AREA), LOCATED AT 2185 HENRY, MUSKEGON MICHIGAN, 49441, MUSKEGON COUNTY *AND A NEW DANCE PERMIT.*

CONTACT: CHARLES A SLATER 4670 WHITE ROAD, MUSKEGON MI, 49442 (B.P. 231-759-0046 H.P. 231-773-0580)

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

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: \_\_\_\_\_  
Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M./P.M.  
Sundays \_\_\_\_\_ A.M. to \_\_\_\_\_

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

**NOTE:** If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: \_\_\_\_\_  
Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M./P.M.  
Sundays \_\_\_\_\_ A.M. to \_\_\_\_\_

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

June 13, 2008

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OUTDOOR SERVICE

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ADDITIONAL BAR PERMITS (FOR A TOTAL OF 2 BARS)

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

*X L. Kleibacker Director*

Signature and Title  
Muskegon Police Department

ANTHONY L. KLEIBACKER  
Print Name and Title DIRECTOR OF PUBLIC SAFETY

Date: 7-23-08

jr

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

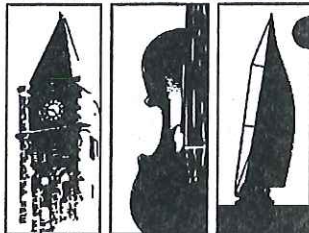
Public Works  
(231)724-4100  
FAX (231)722-4188

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

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

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

# MUSKEGON



West Michigan's Shoreline City  
[www.shorelinecity.com](http://www.shorelinecity.com)

July 30, 2008

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

REF: Req ID #474697  
CSTS, Inc.  
2185 Henry  
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is Form LC-1636 for CSTS, Inc. This was recommended for approval by the City of Muskegon Director of Public Safety.

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

Sincerely,

*Linda Potter*

Linda Potter  
Deputy Clerk

enc.

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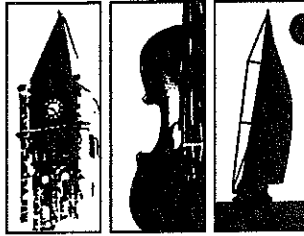
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Water Filtration  
(231)724-4106  
FAX (231)755-5290

# MUSKEGON



West Michigan's Shoreline City  
[www.shorelinecity.com](http://www.shorelinecity.com)

September 11, 2008

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

REF: Req ID #474697  
CSTS, Inc.  
2185 Henry  
Muskegon, MI 49441

To Whom It May Concern:

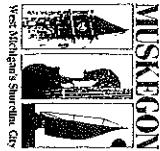
Enclosed is the resolution for CTST, Inc. This was recommended for approval by the City Commission at their September 9, 2008, City Commission Meeting.

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

Sincerely,

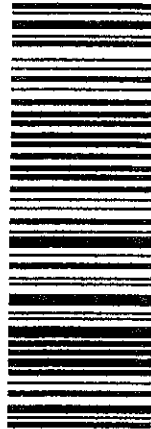
Linda Potter  
Deputy Clerk

enc.



**MUSKEGON**  
City of Muskegon  
City Clerk's Office  
933 Terrace Street  
P.O. Box 536  
Muskegon, MI 49443-0536

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or Control Commission  
Harris  
ox 30005  
ng, MI 48909-7505

# LIQUOR LICENSE REVIEW FORM

Business Name: CSTS, Inc.

AKA Business Name (if applicable): \_\_\_\_\_

Operator/Manager's Name: Charles A. Slater

Business Address: 2185 Henry

Muskegon, MI 49441

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☒

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other \_\_\_\_\_

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

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AKA Business Name (if applicable): \_\_\_\_\_

Operator/Manager's Name: Charles A. Slater

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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 D. J.

Please return to the City Clerk's Office

# LIQUOR LICENSE REVIEW FORM

Business Name: CSTS, Inc.

AKA Business Name (if applicable): \_\_\_\_\_

Operator/Manager's Name: Charles A. Slater

Business Address: 2185 Henry

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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 [Signature]

Please return to the City Clerk's Office

# LIQUOR LICENSE REVIEW FORM

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AKA Business Name (if applicable): \_\_\_\_\_

Operator/Manager's Name: Charles A. Slater

Business Address: 2185 Henry

Muskegon, MI 49441

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☒

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other \_\_\_\_\_

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 ☐

approval based on site

Inspection

Department Signature Majors M. [Signature]

Please return to the City Clerk's Office

# LIQUOR LICENSE REVIEW FORM

Business Name: CSTS, Inc.

AKA Business Name (if applicable): \_\_\_\_\_

Operator/Manager's Name: Charles A. Slater

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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

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

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

Cemetery  
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FAX (231)726-5617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



West Michigan's Shoreline City  
[www.shorelinecity.com](http://www.shorelinecity.com)

September 4, 2008

Mr. Harold Kiel, President  
Campbell Field Neighborhood Assoc.  
2111 Dowd  
Muskegon, MI 49441

Dear Mr. Kiel:

We have received a letter from the Liquor Control Commission reference a request from CSTS, Inc., 2185 Henry, (Pop-A-Top) for an Additional Bar Permit and a new Dance Permit. On Tuesday, September 9, 2008, 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 9, 2008, 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  
(231)724-6708  
FAX (231)726-5181

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

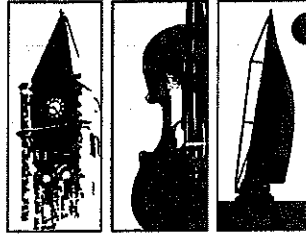
Public Works  
(231)724-4100  
FAX (231)722-4188

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

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

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

# MUSKEGON



West Michigan's Shoreline City  
[www.shorelinecity.com](http://www.shorelinecity.com)

September 4, 2008

Mr. Charles Slater  
4670 White Road  
Muskegon, MI 49442

Dear Mr. Slater:

This letter is to inform you that your liquor license request for an additional bar permit and a new dance permit will be presented to the City Commission on September 9, 2008. 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 Campbell Feild 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*

Linda Potter  
Deputy Clerk

CSTS INC.  
DBA POP-A-TOP TAVERN  
2185 HENRY ST.  
MUSKEGON, MI 49441

3912

DATE 9/3/05 74-1394-724

PAY  
TO THE  
ORDER OF

City of Muskegon

\$ 25.00

Twenty five & 00/100

DOLLARS  Security Features  
included  
Details on Back

COMMUNITY  
SHORES BANK

FOR

for Bar Permit on Patio

Sammy L. Skutue MP

⑈003912⑈ ⑈072413942⑈ 1000011234⑈

**Commission Meeting Date: September 9, 2008**

**Date: September 2, 2008**

**To: Honorable Mayor & City Commission**

**From: Community and Neighborhood Services Department**

**Re: Selection of Vinyl Siding Supplier for Fiscal Year  
2008 – 2009**

---

**SUMMARY OF REQUEST:** To approve the Community and Neighborhood Services department's selection of the Vinyl Siding Supplier for 2008 – 2009 fiscal year. After reviewing all bids, the department selected the bid from Keene Lumber, located at 346 W. Laketon Avenue, Muskegon, MI, for the price of \$55.00 (fifty-five dollars) per building square for white and \$55.15 (fifty-five dollars and fifteen cents) per square for color.

The Community and Neighborhood Services department received 1 additional bid from:

|                                       |                   |
|---------------------------------------|-------------------|
| Menards, 5487 Harvey Street, Muskegon | \$40.92 for white |
|                                       | \$41.28 for color |

The reason we chose Keene Lumber is because Menards does not keep supplies in stock and will take three weeks to have siding come in and our program requires immediate access to supplies. Also, Keene Lumber is centrally located for our contractors considering the cost of gas and time.

**FINANCIAL IMPACT:** Funding will be disbursed from the 2008 – 2009 Community Development Block Grant Vinyl Siding fund.

**BUDGET ACTION REQUIRED:** None at this time.

**STAFF RECOMMENDATION:** To approve request.

**COMMITTEE RECOMMENDATION:** The funding for the Vinyl Siding program was approved by the Commission during the 2008 – 2009 allocation period last April.

**Commission Meeting Date: September 9, 2008**

**Date: September 2, 2008**

**To: Honorable Mayor & City Commission**

**From: Community and Neighborhood Services Department**

**Re: Selection of Vinyl Siding Installer for Fiscal Year  
2008 – 2009**

---

**SUMMARY OF REQUEST:** To approve the Community and Neighborhood Services to sign a contract with Tucker Construction, 9121 Holton Road, Holton, MI, to install vinyl siding at an agreed price of \$65.00 (sixty-five dollars) per building square for the Vinyl Siding program's 2008 – 2009 fiscal year.

The Community and Neighborhood Services office received 6 bids total from vinyl siding installers.

- |                                                     |         |
|-----------------------------------------------------|---------|
| • Gawlik Construction, 5346 E. Sternberg, Fruitport | \$67.00 |
| • Top Notch Construction, 261 Donald, Muskegon      | \$67.00 |
| • Lewis Johnson, 16076 Bonita, Grand Haven          | \$70.00 |
| • Murphy Bros., 2519 MacArthur, Muskegon            | \$90.00 |
| • Specialty builders, 4603 Apple Ave, Muskegon      | \$75.00 |

**FINANCIAL IMPACT:** Funding will be disbursed from the 2008 – 2009 Community development Block Grant Vinyl Siding fund.

**BUDGET ACTION REQUIRED:** None at this time.

**STAFF RECOMMENDATION:** To approve request.

**COMMITTEE RECOMMENDATION:** The funding for the Vinyl Siding program was approved by the Commission during the 2008 – 2009 allocation period last April.

AGENDA ITEM NO. \_\_\_\_\_

CITY COMMISSION MEETING \_\_\_\_\_

**TO:** Honorable Mayor and City Commissioners

**FROM:** Bryon L. Mazade, City Manager

**DATE:** September 2, 2008

**RE:** Water Service Agreement with the city of Muskegon Heights

**SUMMARY OF REQUEST:**

To amend the agreement with the City of Muskegon Heights for the operation of the Muskegon Heights Water Filtration Plant only. The operation of the distribution system will be discontinued.

**FINANCIAL IMPACT:**

The hourly rate will remain at \$80.00 an hour.

**BUDGET ACTION REQUIRED:**

None.

**STAFF RECOMMENDATION:**

To approve the attached agreement and authorize the Mayor and clerk to sign it.

**COMMITTEE RECOMMENDATION:**

None.

**AGREEMENT BETWEEN  
THE CITY OF MUSKEGON  
AND THE CITY OF MUSKEGON HEIGHTS  
FOR PROVIDING  
NECESSARY SERVICES IN COMPLIANCE WITH THE  
MICHIGAN SAFE DRINKING WATER ACT IN THE  
OPERATION OF ITS WATER FILTRATION PLANT**

THE AGREEMENT made this 25<sup>th</sup> day of August, 2008, between the City of Muskegon, a Municipal Corporation, located at 933 Terrace Street, Muskegon, Michigan 49443-0536 (hereinafter referred to as "Muskegon") and the City of Muskegon Heights, a Municipal Corporation, located at 2724 Peck Street, Muskegon Heights, Michigan 49444 (hereinafter referred to as "Muskegon Heights").

Both Muskegon and Muskegon Heights are located within the County of Muskegon, State of Michigan.

**RECITALS**

A. Muskegon Heights operates a water filtration plant through which it provides water services to the residents of Muskegon Heights, Fruitport Township and Norton Shores.

B. Muskegon Heights is currently without a licensed operator of its water filtration plant.

C. Muskegon and Muskegon Heights desire to enter into an agreement whereby Muskegon will assist Muskegon Heights in providing the necessary services in compliance with the requirements of the Michigan Safe Drinking Water Act (Act 399 P.A. 1976, as amended) in the operation of its water filtration plant.

D. It is the intent of the parties to this Agreement to satisfy the "Operator in Charge" requirement of the statute.

E. In consideration of the matters described above and of the mutual benefits set forth in this Agreement, the parties agree as follows:

**GENERAL PROVISIONS**

**Section 1. Assistance as Operator in Charge of the Muskegon Heights Water Filtration Plant**

Muskegon shall serve as the Operator in Charge of the Muskegon Heights Water Filtration Plant. During the term of this Agreement, compliance with the Michigan Safe Drinking Water Act (Act 399 P.A. 1976, as amended) shall be accomplished as detailed below.

## **Section 2. Services Provided by Muskegon**

A. Assign and make available an F-1 Certified Muskegon employee to visit the Muskegon Heights plant (MHP) on a daily basis, Monday through Friday (except for holidays as designated by Muskegon). This individual will perform the following tasks at a minimum:

1. Spend a minimum of one (1) hour per day at the plant.
2. Develop, complete and endorse any and all required Michigan Department of Environmental Quality (MDEQ) reports.
3. Review payroll reports if requested by Muskegon Heights.
4. Review and assign duties to staff if requested by Muskegon Heights. Except when requested by MDEQ, the individual will assign tasks to meet MDEQ requirements.
5. Meet with MHP staff on an as needed basis.
6. Represent MHP in meetings on an as needed or requested basis.
7. The individual or his/her designee will be available on a 24/7 basis.

## **Section 3. Muskegon Heights Responsibilities**

A. Designate one (1) individual at the Plant to fill the foreman position through which Muskegon representative will disseminate information and tasks.

## **Section 4. Relationship Between the Parties**

Muskegon shall perform and provide services under this Agreement as an independent contractor and the individual or individuals designated under Section 2 above shall remain for all purposes employees of Muskegon. Muskegon understands that it will remain responsible for any and all wages and benefits due said employee. That employee shall not be entitled to any benefits from Muskegon Heights, including, but not limited to vacation leave, sick leave, health insurance, disability insurance, unemployment insurance, and workers' compensation benefits.

## **Section 5. Assignment**

Muskegon shall not assign any of its rights nor transfer any of its obligations under this Agreement without the prior written consent of Muskegon Heights and any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination.

## **Section 6. Severability**

If any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

## **Section 7. Entire Agreement and Amendment**

In conjunction with the matters considered herein, this Agreement contains the entire understanding and agreement of the parties and there have been no promises, representations, agreements, warranties or undertakings by any of the parties, either oral or written, of any character or nature hereafter binding except as set forth herein. This Agreement may be altered, amended or modified only by an instrument in writing, executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, canceled, superceded or changed by any oral agreements, course of conduct waiver or estoppel.

## **Section 8. No Third-Party Beneficiary**

No person dealing with Muskegon Heights or Muskegon shall be, nor shall any of them be deemed to be, third-party beneficiaries of this Agreement. This Agreement is not intended to, nor shall it be interpreted to create a special relationship between Muskegon Heights or Muskegon and any staff, visitors, residents, or other individuals who may have business through Muskegon Heights.

## **Section 9. Terms and Conditions**

The terms and conditions used in this Agreement shall be given their common and ordinary definition and will not be construed against either party.

## **Section 10. Execution of Counterparts**

This Agreement may be executed in any number of counterparts and each such counterparts shall for all purposes be deemed to be an original; and all such counterparts, or as many of them as the parties shall preserve undestroyed, shall together constitute one and the same instrument.

## **Section 11. Authority**

All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, person, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and that all formal requirements necessary or required by any State and/or Federal law in order to enter into this Agreement have been fully complied with.

Furthermore, by entering into this Agreement, Muskegon hereby warrants that it shall not have breached the terms or conditions of any contract or agreement to which Muskegon is obligated, which breach would have a material effect there on.

## Section 12. Term

This Agreement shall continue until terminated by thirty (30) days written notice from either party to the non-terminating party.

## Section 13. Compensation

Services provided by Muskegon to Muskegon Heights shall be billed on the basis of Eighty and 00/100 (\$80.00) Dollars per hour. This will include travel costs within the corporate limits of Muskegon Heights and/or its filtration plant located in the corporate limits of Norton Shores. If additional travel outside the corporate limits of Muskegon Heights or Norton Shores is necessary to meet MDEQ requirements and/or is requested by Muskegon Heights, mileage will be billed at the prevailing IRS rate.

Muskegon shall bill Muskegon Heights on a monthly basis. Muskegon Heights shall pay the invoice within fifteen (15) days of receipt.

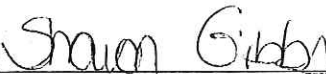
In Witness Whereof the parties have executed this Agreement in their respective cities.

### CITY OF MUSKEGON HEIGHTS

Dated: \_\_\_\_\_, 2008

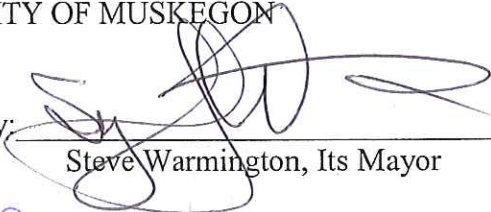
By:   
Darrell L. Paige, Its Mayor

Dated: \_\_\_\_\_, 2008

By:   
Sharon Gibbs, Its Clerk

### CITY OF MUSKEGON

Dated: 9-12, 2008

By:   
Steve Warmington, Its Mayor

Dated: 9-12, 2008

By:   
Ann Marie Becker, Its Clerk

**Date: September 9, 2008**  
**To: Honorable Mayor and City Commissioners**  
**From: Finance Director**  
**RE: 2009 Budget Adoption**

---

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2009. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website ([www.shorelinecity.com](http://www.shorelinecity.com)). After hearing public comments, the City Commission may take action to adopt the 2009 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2008.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2009. 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 2009.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2009 City of Muskegon Budget resolution that is attached. Also, approval of the 3<sup>rd</sup> Quarter 2008 Budget Reforecast as shown in the Budget Book is recommended at this time.

COMMITTEE RECOMMENDATION: The Commission will review the budget at their September 8<sup>th</sup> Worksession.

CITY OF MUSKEGON  
RESOLUTION OF APPROPRIATION  
2009 BUDGET

WHEREAS, the City Manager has submitted a proposed Budget for 2009 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2009 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, 2009 is hereby determined and adopted as follows:

GENERAL FUND

| <u>FUND<br/>ACTIVITY<br/>NUMBER</u> | <u>FUND/ACTIVITY NAME</u>                 | <u>AMOUNT</u>       |
|-------------------------------------|-------------------------------------------|---------------------|
| 101-10101                           | City Commission                           | 86,281              |
| 101-10102                           | City Promotions & Public Relations        | 11,350              |
| 101-10145                           | City Attorney                             | 442,508             |
| 101-10172                           | City Manager                              | 338,912             |
| 101-10875                           | Contributions to Outside Agencies         | 201,875             |
| 101-10891                           | Contingency and Bad Debt Expense          | 400,000             |
| 101-20215                           | City Clerk & Elections                    | 315,574             |
| 101-20220                           | Civil Service                             | 193,711             |
| 101-20228                           | Affirmative Action                        | 85,690              |
| 101-20744                           | Julia Hackley Internships                 | 1,948               |
| 101-30202                           | Finance Administration                    | 466,415             |
| 101-30205                           | Income Tax Administration                 | 409,888             |
| 101-30209                           | Assessing Services                        | 465,665             |
| 101-30805                           | Arena Administration                      | 235,000             |
| 101-30248                           | Information Systems Administration        | 383,978             |
| 101-30253                           | City Treasurer                            | 410,842             |
| 101-30851                           | Insurance Premiums                        | 403,737             |
| 101-30906                           | Debt Retirement                           | 267,345             |
| 101-30999                           | Transfers to Other Funds                  | 838,046             |
| 101-40301                           | Police                                    | 8,803,476           |
| 101-50336                           | Fire                                      | 3,647,368           |
| 101-50387                           | Fire Safety Inspections                   | 1,083,007           |
| 101-60265                           | City Hall Maintenance                     | 289,184             |
| 101-60446                           | Community Event Support                   | 31,100              |
| 101-60448                           | Streetlighting                            | 635,000             |
| 101-60523                           | Sanitation                                | 1,702,900           |
| 101-60528                           | Recycling                                 | 166,368             |
| 101-60550                           | Stormwater Management                     | 17,786              |
| 101-60770                           | Senior Citizen Transit                    | 66,391              |
| 101-70276                           | Cemeteries Maintenance                    | 532,441             |
| 101-70585                           | Parking Operations                        | 4,979               |
| 101-70751                           | Parks Maintenance                         | 1,397,719           |
| 101-70357                           | Graffiti Removal                          | 4,861               |
| 101-70757                           | McGraft Park Maintenance                  | 53,943              |
| 101-70775                           | General Recreation                        | 315,358             |
| 101-70863                           | Farmers' Market and Flea Market           | 49,450              |
| 101-80387                           | Environmental Services                    | 410,094             |
| 101-80400                           | Planning, Zoning and Economic Development | 542,827             |
| 101-90000                           | Major Capital Improvements                | 193,000             |
|                                     | Grand Total General Fund Appropriations   | <u>\$25,906,017</u> |

OTHER BUDGETED FUNDS

| <u>FUND<br/>ACTIVITY<br/>NUMBER</u> | <u>FUND/ACTIVITY NAME</u>          | <u>AMOUNT</u> |
|-------------------------------------|------------------------------------|---------------|
| 202,204                             | Major Streets and State Trunklines | 4,341,401     |
| 203                                 | Local Streets                      | 2,111,265     |
| 264                                 | Criminal Forfeitures               | 15,155        |
| 260                                 | Farmers' Market Improvement        | 45,000        |
| 285                                 | Tree Replacement                   | 3,900         |

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2009 are estimated as follows:

GENERAL FUND

| <u>FUND/ACTIVITY NAME</u>      | <u>AMOUNT</u>       |
|--------------------------------|---------------------|
| Taxes                          | \$ 15,525,259       |
| Licenses and Permits           | 1,030,000           |
| Federal Grants                 | 16,602              |
| State Grants                   | 28,000              |
| State Shared Revenue           | 4,552,462           |
| Charges for Sales & Services   | 2,418,132           |
| Interest & Rentals             | 469,800             |
| Fines & Fees                   | 577,000             |
| Other Revenue                  | 416,619             |
| Other Financing Sources        | 95,000              |
| Use of Fund Balance            | <u>777,143</u>      |
| <br>Total General Fund Revenue |                     |
| Appropriations                 | <u>\$25,906,017</u> |

OTHER BUDGETED FUNDS

| <u>FUND<br/>ACTIVITY<br/>NUMBER</u> | <u>FUND/ACTIVITY NAME</u>          | <u>AMOUNT</u> |
|-------------------------------------|------------------------------------|---------------|
| 202,204                             | Major Streets and State Trunklines | 4,341,401     |
| 203                                 | Local Streets                      | 2,111,265     |
| 264                                 | Criminal Forfeitures               | 15,155        |
| 260                                 | Farmers' Market Improvement        | 45,000        |
| 285                                 | Tree Replacement                   | 3,900         |

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

| <u>FUND<br/>ACTIVITY<br/>NUMBER</u> | <u>FUND/ACTIVITY NAME</u>                | <u>AMOUNT</u> |
|-------------------------------------|------------------------------------------|---------------|
| 305                                 | TIFA Debt Service                        | \$50,000      |
| 394                                 | Downtown Development Authority Debt      | 340,472       |
| 290                                 | Local Finance Development Authority Debt | 280,747       |
| 295                                 | Brownfield Redevelopment Authority       | 175,000       |
| 402                                 | Arena Improvement Fund                   | 25,000        |
| 403                                 | Sidewalk Improvement Fund                | 298,685       |
| 404                                 | Public Improvement Fund                  | 1,504,524     |
| 482                                 | State Grants Fund                        | 1,027,000     |
| 590                                 | Sewer                                    | 5,135,194     |
| 591                                 | Water                                    | 8,195,807     |
| 594                                 | Marina/Launch Ramp                       | 234,376       |
| 661                                 | Equipment                                | 3,266,046     |
| 642                                 | Public Service Building                  | 603,198       |
| 643                                 | Engineering Services Fund                | 698,743       |
| 677                                 | General Insurance Fund                   | 4,821,681     |

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

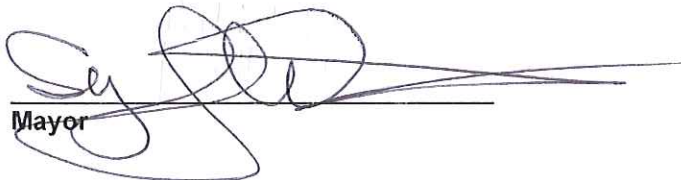
BE IT FURTHER RESOLVED, that the City Manager is hereby empowered to transfer appropriations within appropriation centers, and

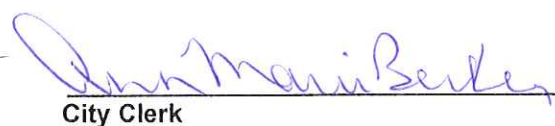
BE IT FURTHER RESOLVED, that there is hereby levied a general tax as herein fixed on each dollar of taxable valuation for the purposes herein outlined, said levy to be applied on all taxable real and personal property in the City of Muskegon as set forth in the assessment roll dated May 2008:

| <u>PURPOSE</u>     | <u>MILLAGE (MILLS)</u> |
|--------------------|------------------------|
| General Operating  | 8.5000                 |
| Sanitation Service | 2.5000                 |
| Promotion          | <u>.0682</u>           |
| Total              | 11.0682                |

At a meeting of the City Commission of the City of Muskegon, on the 9<sup>th</sup> Day of September 2008, the foregoing resolution was moved for adoption by Commissioner Spataro. Commissioner Gawron supported the motion.

Resolution declared adopted.

  
Mayor

  
City Clerk

AGENDA ITEM NO. \_\_\_\_\_

CITY COMMISSION MEETING \_\_\_\_\_

**TO:** Honorable Mayor and City Commissioners

**FROM:** Bryon L. Mazade, City Manager

**DATE:** September 3, 2008

**RE:** Liquor License at 435 & 441 W. Western

**SUMMARY OF REQUEST:**

To rescind the action to request the Liquor Control Commission to revoke the Class C liquor license for D & L of Michigan (Spotlight) at 435 and 441 W. Western Avenue. This action would make it possible that this license could remain in the City.

**FINANCIAL IMPACT:**

None.

**BUDGET ACTION REQUIRED:**

None.

**STAFF RECOMMENDATION:**

To approve the request.

**COMMITTEE RECOMMENDATION:**

None.