

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 28, 2012

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. Watermain Purchase. PUBLIC WORKS
 - C. Purchase of 2221 Surfwood Drive. COMMUNITY & NEIGHBORHOOD SERVICES
 - D. Liquor License Transfer Request for Downtown Muskegon, Inc., 1157 Third Street. CITY CLERK
 - E. Liquor License Transfer Request for Frontier Liquor Shoppe, 631 W. Southern. CITY CLERK
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
- ❑ **NEW BUSINESS:**
 - A. "Development and Reimbursement Agreement" Between the City of Muskegon Brownfield Redevelopment Authority (BRA) and Parkland Muskegon LLC (Jon Rooks). PLANNING & ECONOMIC DEVELOPMENT
 - B. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting. CITY CLERK

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Date: August 28, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the August 13th Commission Worksession Meeting and the August 14th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
August 13, 2012
City Commission Chambers
5:30 PM

MINUTES

2012-60

Present: Commissioners Gawron, Spataro, Hood, Wierengo, German, Turnquist, and Markowski.

Absent: None.

Appointment of Vice Mayor.

Motion by Turnquist, seconded by Markowski to appoint Commissioner Larry Spataro as Vice Mayor.

ROLL CALL VOTE:

Ayes: Gawron, Hood, Spataro, German, Wierengo, Turnquist, and Markowski.

Nays: None.

MOTION PASSES.

Non-Discrimination Resolution.

This is a request to approve a resolution prohibiting discrimination on the basis of sexual orientation or gender identity.

Motion by Wierengo, seconded by Spataro to adopt the Non-Discrimination Resolution.

Motion by Spataro, seconded by German to table the item until the Tuesday, August 14, 2012 City Commission Meeting.

ROLL CALL VOTE:

Ayes: Hood, Spataro, German, Wierengo, Turnquist, Markowski, and Gawron.

Nays: None.

MOTION PASSES.

Water Supply Agreement.

This is a request to approve a water supply agreement with the City of North Muskegon, City of Roosevelt Park, and County of Muskegon. This action will create a single agreement for the City of Muskegon to supply water to these customers at a uniform rate.

Tim Paul, Finance Director, explained there may be a minor loss in revenue initially, but the agreement will provide long-term financial stability.

This item has been placed on the August 14, 2012 Commission Meeting for consideration.

Grant Application for Fisherman's Landing.

The City is seeking this grant from the Great Lakes Fisheries Trust (GLFT) for Fisherman's Landing for the purpose of renovating restrooms and other amenities.

If the City is awarded the GLFT grant, it will be programmed into the 2013-14 budget.

This item has been placed on the August 14, 2012 Commission Meeting for consideration.

Adjournment.

Motion by Hood, seconded by Wierengo to adjourn at 5:48 p.m.

MOTION PASSES.

**Ann Marie Cummings, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 14, 2012

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, August 14, 2012.

Mayor Gawron opened the meeting with a prayer from Pastor Marcy Miller from the Samuel Lutheran 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 Gawron, Vice Mayor Lawrence Spataro, Commissioners Eric Hood, Willie German, Sue Wierengo, Byron Turnquist, and Lea Markowski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-61 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the July 23rd Special Commission Meeting and the July 24th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. Water Treatment Plant Sluice Gate Repair. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to enter into a contract with Northwest Kent Mechanical Co. to repair the clearwell sluice gate for a cost of \$10,600.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To contract with the lowest responsible bidder, Northwest Kent Mechanical Co. at cost of \$10,600, for repair of the Water Treatment Plant clearwell #2 sluice gate.

D. Engineering Services Agreement for Environmental Reports.

ENGINEERING

SUMMARY OF REQUEST: Accept the proposal from Westshore Engineering to prepare the necessary closing documents for the Public Service Building and Hartshorne Marina to get both locations off of the open Leaking Underground Storage Tank sites. The proposed costs are: \$8,710 for the Public Service Building and \$14,560 for the Marina site.

FINANCIAL IMPACT: The total cost of \$23,270.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Accept proposal from Westshore Engineering for \$23,270 to prepare the closing reports.

E. Purchase of Concrete Saw. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase Husqvarna FS 4800 walk behind concrete saw from J&J Farms who submitted the lowest bid.

FINANCIAL IMPACT: \$21,954.

BUDGET ACTION REQUIRED: None, the amount is under what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase new concrete saw from J&J Farms who was the lowest responsible bidder.

F. Liquor License Request from Muskegon Nights, Inc., 939 Third Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Muskegon Nights, Inc., 939 Third Street to transfer shares of stock to new stockholder.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

G. Grant Application for Fisherman's Landing. FINANCE

SUMMARY OF REQUEST: The City is seeking this grant from the Great Lakes Fisheries Trust (GLFT) for Fisherman's Landing for the purpose of: a) renovating badly deteriorated restroom facilities to comply with ADA standards and, b) providing increased opportunities for bikers, trail users and the general public to more fully utilize the facility by adding a handicap chair lift, make needed launch ramp repairs, trail spur and other amenities. (A fishing pier was in the original grant application but later removed.)

The restrooms at Fisherman's Landing were cited in a Department of Justice ADA audit conducted in 2008. The City has since entered into a settlement agreement with DOJ to remedy these audit findings over time.

FINANCIAL IMPACT: The total project cost is estimated to be \$200,000. There is no required local match.

BUDGET ACTION REQUIRED: If the City is awarded the GLFT grant, it will be programmed into the 2013-14 budget.

STAFF RECOMMENDATION: Approval.

H. Lakeshore Museum Loan Agreement (LaFrance Fire Truck). PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the Lake Shore Museum Center Loan Agreement relating to the 1923 American LaFrance Fire Truck with attached equipment.

Currently, the LaFrance is on display at the Fire House Museum (Clay St.). Curator of Collections (Sharon McCullar) is requesting the City consider authorizing five additional years in which the LaFrance Fire Truck would remain on loan to the Museum for the enjoyment of the community at large.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this extended loan agreement.

I. 2012-2013 Muskegon High School Community Officer Agreement. PUBLIC SAFETY

SUMMARY OF REQUEST: To approve the 2012-2013 Muskegon High School Community Officer Agreement. This agreement provides Muskegon High School with a Community Officer during the nine months school is in session.

FINANCIAL IMPACT: Muskegon Public Schools agrees to pay the City of Muskegon \$2,121.80 each month, from September 2012 through May 2013.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the 2012-2013 Muskegon High School Community Officer Agreement.

J. New Cingular Wireless Second Amended Tower Lease Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: New Cingular Wireless PCS, LLC a Delaware Corporation and the Department of Public Works have been in negotiations to amend section one of the First Amendment to the 1998 Lease Agreement for the Nims and Marshall Street Water Towers. The Second Amendment would increase the current monthly rent, for two sites, from \$4,884.48 per month to \$7,326.36 per month.

The Second Amended lease would allow New Cingular Wireless to install on

each water tower up to a total of nine antennas, three additional antennas from the current number of six.

FINANCIAL IMPACT: Monthly rental will increase to \$7,326.36 per month effective upon the installation of the three additional antennas per site which is expected to be October 1, 2012. Monthly rental amounts to be escalated at the rate of 3% annually.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Second Amendment to the 1998 Lease Agreement and to authorize the Mayor and Clerk to sign.

K. Local Officer's Compensation Commission. CITY CLERK

SUMMARY OF REQUEST: Willie German, Jr. stepped down from the Local Officer's Compensation Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee approved this request at their August 13th Meeting.

Motion by Commissioner German, second by Vice Mayor Spataro to approve the Consent Agenda minus item B.

ROLL VOTE: Ayes: Hood, Spataro, German, Wierengo, Turnquist, Markowski, and Gawron

Nays: None

MOTION PASSES

2012-62 ITEM REMOVED FROM THE CONSENT AGENDA:

B. Non-Discrimination Resolution. CITY MANAGER

SUMMARY OF REQUEST: To approve a resolution prohibiting discrimination on the basis of sexual orientation or gender identity.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to adopt the Non-Discrimination Resolution as presented.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron, and Hood

Nays: None

MOTION PASSES

2012-63 NEW BUSINESS:

A. Sale of 2265 Lincoln Street. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the sale of 2265 Lincoln Street to Lindsey J. Dutkiewicz for the purchase price of \$45,000 through the City of Muskegon's Homebuyer Program.

Originally obtained through HUD's \$1 Program, the CNS department totally rehabilitated the structure to continue neighborhood revitalization and stabilization.

FINANCIAL IMPACT: The program income obtained from the sale will be used to continue affordable housing projects in the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to sell this home and provide a resolution for the purchase.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve the sale of 2265 Lincoln Street to Lindsey J. Dutkiewicz.

ROLL VOTE: Ayes: German, Wierengo, Turnquist, Markowski, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

B. Water Supply Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve a water supply agreement with the City of North Muskegon, City of Roosevelt Park, and County of Muskegon. This action will create a single agreement for the City of Muskegon to supply water to these customers at a uniform rate.

FINANCIAL IMPACT: May be a minor loss in revenue initially, but the agreement will provide long-term financial stability.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Hood, second by Commissioner Wierengo to approve the water supply agreement with the City of North Muskegon, City of Roosevelt Park, and County of Muskegon.

ROLL VOTE: Ayes: Wierengo, Turnquist, Markowski, Gawron, Hood, Spataro, and

German

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

2012-64 CLOSED SESSION: Attorney/Client Communication.

Motion by Vice Mayor Spataro, second by Commissioner German to go into Closed Session to discuss attorney/client communication.

ROLL VOTE: Ayes: Markowski, Gawron, Hood, Spataro, German, Wierengo, and Turnquist

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Hood to come out of Closed Session.

ROLL VOTE: Ayes: Hood, Spataro, German, Wierengo, Turnquist, Markowski, and Gawron

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Hood to reject and authorize language to County Clerk.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Markowski, Gawron, and Hood

Nays: Turnquist

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: 08/28/12
To: Honorable Mayor and City Commission
From: Department of Public Works
RE: Watermain Purchase

SUMMARY OF REQUEST: Authorize staff to purchase 8 inch watermain and appurtenances from ETNA Supply. The watermain will be used to upgrade 718 feet of 6 inch watermain on Vulcan Street between Laketon and Larch using in-house work force and equipment. Street repairs will be contracted out to Asphalt Paving, Inc.

FINANCIAL IMPACT: Total Cost \$ 32,417.86

BUDGET ACTION REQUIRED: None. Included in 2012 / 2013 Budget

STAFF RECOMMENDATION: Approve purchase from ETNA Supply and Asphalt Paving, Inc.

VULCAN WATERMAIN UPGRADE

BID TABULATIONS

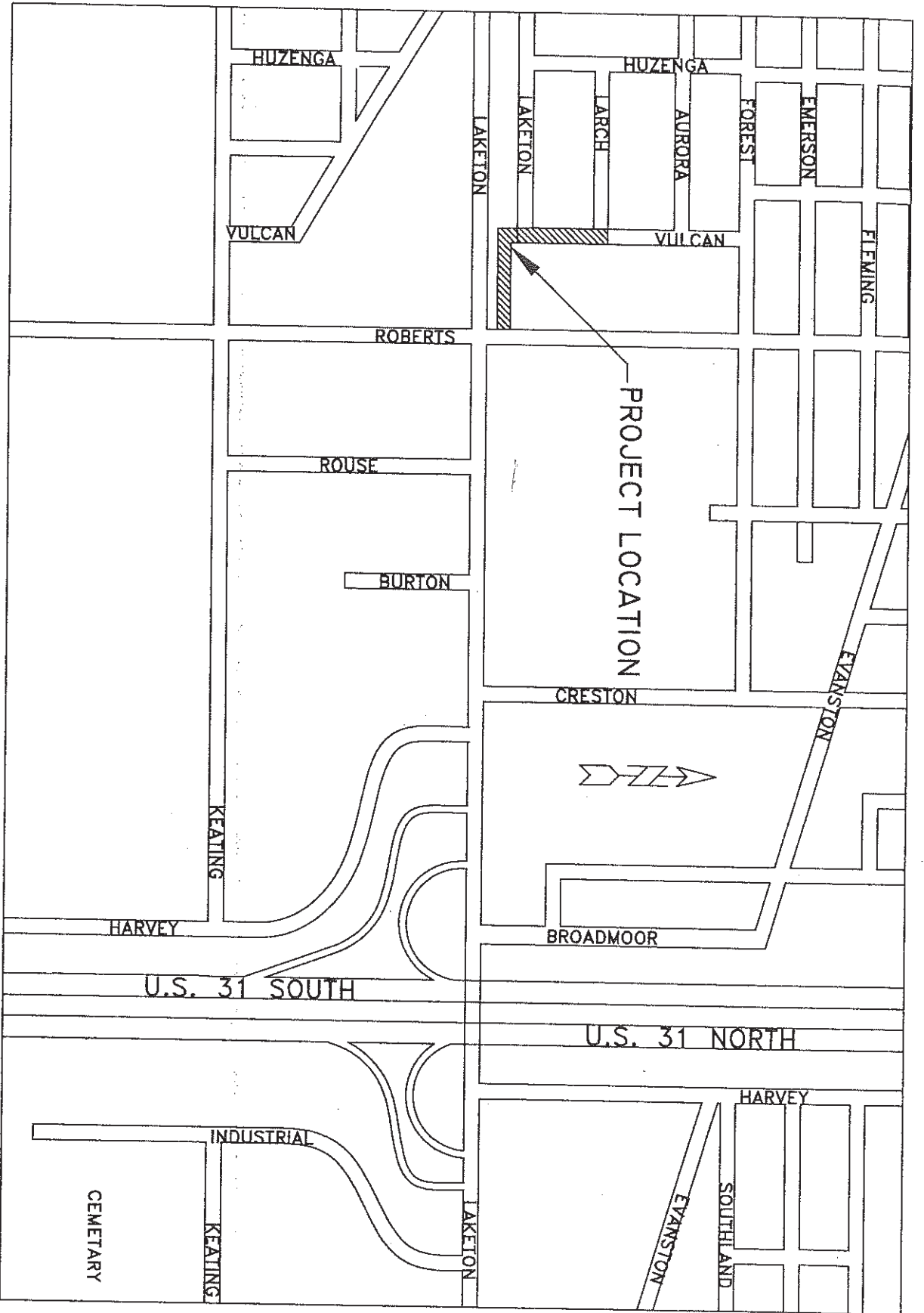
CONTRACTOR ADDRESS CITY/ST/ZIP				East Jordan Iron Works 301 Spring Street East Jordan, MI 49727		Etna Supply 529 32ND St. SE Grand Rapids, MI 49548		Michigan Pipe - Valve- Lansing 1931 Snow Road Lansing, MI 48917	
LINE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	WATERMAIN, DI, 8", TR DET G	FT	718.00	\$ 20.83	\$ 14,955.94	\$ 20.23	\$ 14,525.14	\$ 20.25	\$ 14,539.50
2	BEND, 8", 45 DEGREE, DI MJ	EA	4.00	\$ 106.56	\$ 426.24	\$ 99.00	\$ 396.00	\$ 115.00	\$ 460.00
3	BEND, 8", 90 DEGREE, DI MJ	EA	1.00	\$ 133.94	\$ 133.94	\$ 124.00	\$ 124.00	\$ 145.00	\$ 145.00
4	GATE VALVE, MJ, 6"	EA	2.00	\$ 424.72	\$ 849.44	\$ 400.00	\$ 800.00	\$ 425.00	\$ 850.00
5	GATE VALVE, MJ, 8"	EA	4.00	\$ 683.86	\$ 2,735.44	\$ 640.00	\$ 2,560.00	\$ 680.00	\$ 2,720.00
6	SLEEVE, 4", LONG, DI MJ	EA	1.00	\$ 53.28	\$ 53.28	\$ 50.00	\$ 50.00	\$ 55.00	\$ 55.00
7	SLEEVE, 6", LONG, DI MJ	EA	2.00	\$ 79.92	\$ 159.84	\$ 74.00	\$ 148.00	\$ 83.00	\$ 166.00
8	REDUCER, 8" X 6", DI MJ	EA	2.00	\$ 87.32	\$ 174.64	\$ 81.00	\$ 162.00	\$ 90.00	\$ 180.00
9	REDUCER, 8" X 4", DI MJ	EA	1.00	\$ 81.40	\$ 81.40	\$ 76.00	\$ 76.00	\$ 84.00	\$ 84.00
10	TAPPING SLEEVE 14" X 8"	EA	1.00	\$ 1,105.41	\$ 1,105.41	\$ 850.00	\$ 850.00	\$ 915.00	\$ 915.00
11	TAPPING VALVE, MJ, 8"	EA	1.00	\$ 890.10	\$ 890.10	\$ 830.00	\$ 830.00	\$ 925.00	\$ 925.00
12	TEE, 8" X 6", DI MJ	EA	2.00	\$ 165.02	\$ 330.04	\$ 151.00	\$ 302.00	\$ 170.00	\$ 340.00
13	TEE, 8" X 8", DI MJ	EA	3.00	\$ 196.84	\$ 590.52	\$ 181.00	\$ 543.00	\$ 200.00	\$ 600.00
14	FIELD LOK GSK, 8"	EA	16.00	\$ 95.00	\$ 1,520.00	\$ 108.00	\$ 1,728.00	\$ 92.79	\$ 1,484.64
15					\$ -		\$ -		\$ -
				Total	\$ 24,006.23		\$ 23,094.14		\$ 23,464.14

VULCAN STREET REPAIRS

BID TABULATIONS

CONTRACTOR ADDRESS CITY/ST/ZIP				Asphalt Paving Inc. 1000 E. Sherman Blvd. Muskegon, MI. 49444		Bobs Asphalt Paving 23728 40th Avenue Ravenna, MI 49451		Harold C. Osborne, Inc. 4052 Fruitvale rd. Montague, MI. 49437	
LINE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	3C Base and 4C Top Asphalt	ton	134.00		\$9,323.72		\$14,400.00		\$12,328.00
				Total	\$ 9,323.72		\$ 14,400.00		\$ 12,328.00

PROJECT LOCATION



CITY OF MUSKEGON
OFFICE OF THE CITY ENGINEER

DEBOR SERVICE UPGRADE

Commission Meeting Date: August 28, 2012

Date: August 21, 2012
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Purchase of 2221 Surfwood Drive

SUMMARY OF REQUEST: To approve the purchase of 2221 Surfwood Drive, Muskegon, MI 49441 (CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 707 ELY 14 FT LOT 26 & ALL LOT 27) from the U.S. Department of Housing and Urban Development for a bid price up to \$42,000.

After 2221 Surfwood is obtained, the City will renovate the property as a part of its HOME funded Homebuyers Program.

FINANCIAL IMPACT: The funding used for the purchase has been identified in our 2012 HOME budget and the rehabilitation will be completed through our 2013 HOME entitlement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the property.

COMMITTEE RECOMMENDATION: None needed

HUD.GOV/UDHomes

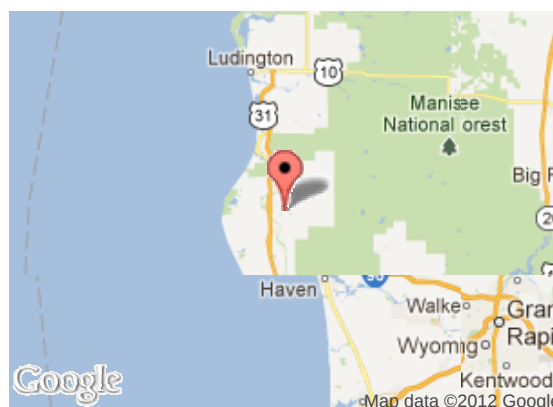
U.S. Department of Housing and Urban Development



Case Number: 263-301464



Location Map



Property Information

Address: 2221 Surfwood Dr
Muskegon, MI, 49441
Muskegon County

Appraisal Date: 08/09/2012

Bed/Bath: 3/1.00

Total Rooms: 5

Square Feet: 864

Year: 1960

Property Design:

Parking: Garage

HOA Fees: \$0.00

Listing Information

List Date: 08/16/2012

List Price: \$42,000.00

As-Is Value: \$42,000.00

FHA Financing: UI (Uninsured)

203K Eligible: Yes

Repair Escrow: \$0.00



HUD.GOV/UDHomes

Date: August 28, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Liquor License Transfer Request
Downtown Muskegon, Inc.
1157 Third Street

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Agid, LLC to transfer ownership of the SDD/SDM license with Sunday Sales Permit located at 1157 Third Street from Downtown Muskegon, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Jeffrey Lewis
Director of Public Safety

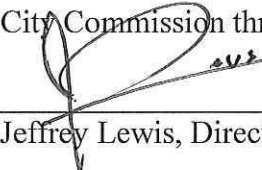
980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

August 22, 2012

To: City Commission through the City Manager

From: 
Jeffrey Lewis, Director of Public Safety

Re: Liquor License Investigation – 1157 Third Street
Transfer of SDD/SDM Licensed Business with Sunday Sales Permits

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for a preliminary investigation from applicant Agid LLC of 1157 Third Street, Muskegon, MI. 49441. Agid LLC is comprised of both Shamel Khamro of 2263 Lawnel Ave, Muskegon MI and Moayed Khamro of 2251 Lawnel Ave.

Agid LLC is requesting to transfer ownership of a SDD/SDM licensed business with Sunday Sales Permits (AM/PM) from Downtown Muskegon, Inc. Neither applicant has experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

JL/kd



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
called to order by _____ on _____ at _____
the following resolution was offered: (date) (time)

Moved by _____ and supported by _____
that the application from _____
(name of applicant)
for the following license(s): _____
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: ☐ Dance Permit ☐ Entertainment Permit ☐ Topless Activity Permit

☐ Extended Hours Dance Permit Hours Required: _____

☐ Extended Hours Entertainment Permit Hours Required: _____

to be located at _____

be considered for _____
(approval or disapproval)

Approval

Yeas: _____

Nays: _____

Absent: _____

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the
council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License
(Retail License Applicants)

PLEASE READ! A copy of this completed application should be submitted to the local legislative body and local law enforcement agency where the license is/will be held so your request can be processed correctly.

Part 1 - Please answer both questions below (if you are requesting a license as a part of your application)

Are you requesting a new license as a part of your application? ☐ Yes ☒ No (If yes, cashier is instructed to use fee code 4012)

Are you transferring an existing license as a part of your application? ☒ Yes ☐ No (If yes, cashier is instructed to use fee code 4034)

If you answer **yes** to **both** questions, which type of license is to be transferred? _____

Part 2 - Definitions

Off-premise licenses - Licenses that are issued for the type of business where alcoholic beverages are sold for consumption elsewhere, and where consumption on the premises is not allowed. There are two main types; SDD (spirits and mixed drink spirits) and SDM (beer and wine). Please check the appropriate box for your request. Note: Any additional transfer or license fees may be calculated and collected at a later date.

On-premise licenses - Licenses that are issued to allow alcoholic beverages to be sold, served and consumed on the premises. Note: Any additional transfer or license fees may be calculated and collected at a later date.

Part 3 - Inspection Fees (Check box applicable to your application)

☐ Inspection fee - 1 license (4036) \$70.00 ☒ Inspection fee - 2 licenses (4036) \$140.00 ☐ Inspection fee - 3 licenses (4036) \$210.00

Part 4 - Transaction Information (Check boxes applicable to your application)

☐ New license ☐ Transfer stock/interest ☐ Add/Drop space ☐ Transfer location ☐ Transfer classification ☐ Change status (self incorporation)

☐ New permit ☒ Transfer ownership ☐ Transfer limited partnership interest

Name(s) of current licensee: Downtown Muskegon, Inc.

Current licensed address: 1157 Third, Muskegon, MI 49441

Part 5 - License Types and Permits (Check boxes applicable to your application)

MCL 436.1525(1) provides that license fees shall be paid at the time of filing applications. (All checks/money orders should be made payable to the State of Michigan)

Off Premise License Type:	Base Fee:
☒ SDM License	\$100.00
☒ SDD License	\$150.00
☐ Resort SDD License	Upon Licensure
☐ Transfer Resort SDD license	\$150.00

Off Premise Permits:	Base Fee:
☒ Sunday Sales Permit (AM)	\$160.00
☒ Sunday Sales Permit (PM) (Held with SDD license)	\$22.50
☐ Catering Permit	\$100.00
☐ Beer and Wine Sampling	No charge *
☐ Living Quarters	No charge *

*Note: MCL 436.1529(5)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

Off Premise Permission(s):	Base Fee:
☐ Off-premise Storage	No charge
☐ Direct Connection(s)	No charge
☐ Gas Pumps	No charge



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 5 Continued - License Types and Permits (Check boxes applicable to your application)

On Premise License Type:	Base Fee:	On Premise Permits:	Base Fee:
☐ B-Hotel License	\$600.00	☐ New Banquet Facility Permit	\$600.00
☐ A-Hotel License	\$250.00	☐ Sunday Sales Permit (AM)	\$160.00
☐ Brewpub license	\$100.00	☐ Sunday Sales Permit (PM)	15% of license fee
☐ Class C License	\$600.00	☐ Catering Permit	\$100.00
☐ Club License	\$300.00	☐ Outdoor Service	No charge *
☐ Resort License	Upon Licensure	☐ Entertainment Permit	No charge *
☐ Redevelopment License	Upon Licensure	☐ Dance Permit	No charge *
☐ Tavern License	\$250.00	☐ Topless Activity Permit	No charge *
☐ G-1 License	\$1,000.00	☐ Banquet Facility Permit	No charge *
☐ G-2 License	\$500.00	☐ Living Quarters	No charge*
☐ Aircraft License	\$600.00	☐ Specific Purpose Permit (list activity below):	No charge *
☐ Watercraft License	\$100.00	Hours requested: _____	
☐ Train	\$100.00	☐ Extended Hours Permit (check type below):	No charge *
☐ Continuing Care License	\$600.00	☐ Dance ☐ Entertainment	
		Hours requested: _____	
		☐ New Additional Bar Permit (s)** Indicate #: _____	\$350.00

On Premise Permission(s):	Base Fee:
☐ Off-premise Storage	No charge
☐ Direct Connection(s)	No charge
☐ Gas Pumps	No charge

*Note: MCL 436.1529(5)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

**Note: \$350.00 is due for each additional bar requested. This fee must also be included when calculating the total amount due for Sunday Sales Permit (PM).

Part 6 - Applicant Information

Name of entity/person that will hold the license: Agid, LLC

- Corporations/Limited Liability Company(s) - State the name as it is filed with the State of Michigan Corporation Division and provide a copy of your articles.
- Corporations/Limited Liability Company(s) must provide a list of stockholders/members in Part 8 of this form.
- If your company has not filed with the State of Michigan, you must submit a copy of a filed certificate of authority to transact business in Michigan along with your application.

Street address of proposed licensed establishment: 1157 Third Zip Code: 49441

City, Village: Muskegon Township: Muskegon County: Muskegon

Contact person for your company: Shamel A. Khamro

Business Phone: (231) 759-7905 Cell Phone: (616) 903-2805 E-mail address: _____

Do you have an attorney that you would like us to contact? ☒ Yes - See below ☐ No

Attorney name and address: Keith L. McEvoy, Gielow Groom Terpstra & McEvoy, 281 Seminole - 2nd Floor, Muskegon, MI 49444

Office Phone: (231) 747-7160 Cell Phone: _____ E-mail address: keith@ggtmlaw.com

Date: August 28, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Liquor License Transfer Request
Frontier Liquor Shoppe
631 W. Southern

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from S & M Khamro, LLC to transfer ownership of the SDD/SDM license with Sunday Sales Permit located at 631 W. Southern from S & R Kado, LLC.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Jeffrey Lewis
Director of Public Safety

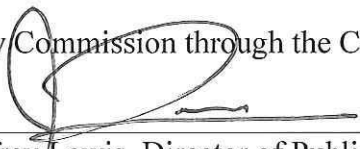
980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

August 22, 2012

To: City Commission through the City Manager

From: 
Jeffrey Lewis, Director of Public Safety

Re: Liquor License Investigation – 631 W. Southern Ave
Transfer of SDD/SDM Licensed Business with Sunday Sales Permits

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for a preliminary investigation from applicant S & M Khamro, LLC of 631 W. Southern Ave, Muskegon, MI. 49441. S & M Khamro, LLC is comprised of both Shamel Khamro of 2263 Lawnel Ave, Muskegon MI and Moayed Khamro of 2251 Lawnel Ave.

S & M Khamro, LLC is requesting to transfer ownership of a SDD/SDM licensed business with Sunday Sales Permits (AM/PM) from S and R Kado, LLC. Neither applicant has experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

JL/kd



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
called to order by _____ on _____ at _____
(date) (time)
the following resolution was offered:

Moved by _____ and supported by _____
that the application from _____
(name of applicant)

for the following license(s): _____
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: ☐ Dance Permit ☐ Entertainment Permit ☐ Topless Activity Permit

☐ Extended Hours Dance Permit Hours Required: _____

☐ Extended Hours Entertainment Permit Hours Required: _____

to be located at _____

be considered for _____
(approval or disapproval)

Approval

Yeas: _____

Nays: _____

Absent: _____

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License
(Retail License Applicants)

PLEASE READ! A copy of this completed application should be submitted to the local legislative body and local law enforcement agency where the license is/will be held so your request can be processed correctly.

Part 1 - Please answer both questions below (if you are requesting a license as a part of your application)

Are you requesting a new license as a part of your application? ☐ Yes ☒ No (If yes, cashier is instructed to use fee code 4012)

Are you transferring an existing license as a part of your application? ☒ Yes ☐ No (If yes, cashier is instructed to use fee code 4034)

If you answer **yes** to **both** questions, which type of license is to be transferred? _____

Part 2 - Definitions

Off-premise licenses - Licenses that are issued for the type of business where alcoholic beverages are sold for consumption elsewhere, and where consumption on the premises is not allowed. There are two main types; SDD (spirits and mixed drink spirits) and SDM (beer and wine). Please check the appropriate box for your request. Note: Any additional transfer or license fees may be calculated and collected at a later date.

On-premise licenses - Licenses that are issued to allow alcoholic beverages to be sold, served and consumed on the premises. Note: Any additional transfer or license fees may be calculated and collected at a later date.

Part 3 - Inspection Fees (Check box applicable to your application)

☐ Inspection fee - 1 license (4036) \$70.00 ☒ Inspection fee - 2 licenses (4036) \$140.00 ☐ Inspection fee - 3 licenses (4036) \$210.00

Part 4 - Transaction Information (Check boxes applicable to your application)

☐ New license ☐ Transfer stock/interest ☐ Add/Drop space ☐ Transfer location ☐ Transfer classification ☐ Change status (self incorporation)

☐ New permit ☒ Transfer ownership ☐ Transfer limited partnership interest

Name(s) of current licensee: S and R Kado, LLC

Current licensed address: 631 W. Southern, Muskegon, MI 49441

Part 5 - License Types and Permits (Check boxes applicable to your application)

MCL 436.1525(1) provides that license fees shall be paid at the time of filing applications. (All checks/money orders should be made payable to the State of Michigan)

Off Premise License Type:	Base Fee:
☒ SDM License	\$100.00
☒ SDD License	\$150.00
☐ Resort SDD License	Upon Licensure
☐ Transfer Resort SDD license	\$150.00

Off Premise Permits:	Base Fee:
☒ Sunday Sales Permit (AM)	\$160.00
☒ Sunday Sales Permit (PM) (Held with SDD license)	\$22.50
☐ Catering Permit	\$100.00
☐ Beer and Wine Sampling	No charge *
☐ Living Quarters	No charge *

*Note: MCL 436.1529(5)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

Off Premise Permission(s):	Base Fee:
☐ Off-premise Storage	No charge
☐ Direct Connection(s)	No charge
☐ Gas Pumps	No charge



Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 5 Continued - License Types and Permits (Check boxes applicable to your application)

On Premise License Type:	Base Fee:	On Premise Permits:	Base Fee:
☐ B-Hotel License	\$600.00	☐ New Banquet Facility Permit	\$600.00
☐ A-Hotel License	\$250.00	☐ Sunday Sales Permit (AM)	\$160.00
☐ Brewpub license	\$100.00	☐ Sunday Sales Permit (PM)	15% of license fee
☐ Class C License	\$600.00	☐ Catering Permit	\$100.00
☐ Club License	\$300.00	☐ Outdoor Service	No charge *
☐ Resort License	Upon Licensure	☐ Entertainment Permit	No charge *
☐ Redevelopment License	Upon Licensure	☐ Dance Permit	No charge *
☐ Tavern License	\$250.00	☐ Topless Activity Permit	No charge *
☐ G-1 License	\$1,000.00	☐ Banquet Facility Permit	No charge *
☐ G-2 License	\$500.00	☐ Living Quarters	No charge*
☐ Aircraft License	\$600.00	☐ Specific Purpose Permit (list activity below):	No charge *
☐ Watercraft License	\$100.00	Hours requested: _____	
☐ Train	\$100.00	☐ Extended Hours Permit (check type below):	No charge *
☐ Continuing Care License	\$600.00	☐ Dance ☐ Entertainment	
		Hours requested: _____	
		☐ New Additional Bar Permit (s)** Indicate #: _____	\$350.00

On Premise Permission(s):	Base Fee:
☐ Off-premise Storage	No charge
☐ Direct Connection(s)	No charge
☐ Gas Pumps	No charge

*Note: MCL 436.1529(5)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

**Note: \$350.00 is due for each additional bar requested. This fee must also be included when calculating the total amount due for Sunday Sales Permit (PM).

Part 6 - Applicant Information

Name of entity/person that will hold the license: S & M Khamro, LLC

- Corporations/Limited Liability Company(s) - State the name as it is filed with the State of Michigan Corporation Division and provide a copy of your articles.
- Corporations/Limited Liability Company(s) must provide a list of stockholders/members in Part 8 of this form.
- If your company has not filed with the State of Michigan, you must submit a copy of a filed certificate of authority to transact business in Michigan along with your application.

Street address of proposed licensed establishment: 631 W. Southern Ave. Zip Code: 49441

City, Village: Muskegon Township: Muskegon County: Muskegon

Contact person for your company: Shamel A. Khamro

Business Phone: (231) 759-7905 Cell Phone: (616) 903-2805 E-mail address: _____

Do you have an attorney that you would like us to contact? ☒ Yes - See below ☐ No

Attorney name and address: Keith L. McEvoy, Gielow Groom Terpstra & McEvoy, 281 Seminole - 2nd Floor, Muskegon, MI 49444

Office Phone: (231) 747-7160 Cell Phone: _____ E-mail address: keith@ggtmlaw.com

Commission Meeting Date: August 28, 2012

Date: August 22, 2012
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: "Development and Reimbursement Agreement" between
the City of Muskegon Brownfield Redevelopment Authority
(BRA) and Parkland Muskegon LLC (Jon Rooks)**

SUMMARY OF REQUEST: Jon Rooks has modified his plans for the High Point Flats project to include market-rate apartment units, which are more marketable in the current economy. Both Mr. Rooks and the City staff have been coordinating with the Michigan Economic Development Corporation (MEDC) to assist in additional funding for the project to enable construction to begin this year. The MEDC has agreed to provide loan funding to the project. There is a requirement that the local municipality also participate in the project. The local participation is proposed to be granting future BRA Tax Increment Finance (TIF) capture for the High Point Flats property to Mr. Rooks (see attached "Agreement"). With approvals from the City and the MEDC, the project is expected to begin within 30-90 days.

FINANCIAL IMPACT: Future BRA TIF capture will be directed to Mr. Rooks for reimbursement of loans he is securing for redevelopment of the property.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To endorse the approval by the BRA for the "Development and Reimbursement Agreement" between the City of Muskegon BRA and Parkland Muskegon, LLC.

COMMITTEE RECOMMENDATION: The BRA will be meeting on August 27, 2012 to review the "Agreement".

Tax Capture by Jurisdiction - TIF

Project Name: Parkland Muskegon, LLC

Community: Muskegon

Eligible Expenses for Reimbursement under Public Act 381	
Contamination/Core Community Related Activities	\$0
Brownfield Program Administrative Fee	\$0
Local Site Remediation Revolving Fund Capture	\$0
Total Eligible Costs for TIF Reimbursement	\$0

	Year 1 (2012)	Year 2 (2013)	Year 3 (2014)	Year 4 (2015)	Year 5 (2016)	Year 6 (2017)	Year 7 (2018)	Year 8 (2019)	Year 9 (2020)	Year 10 (2021)	Year 11 (2022)	Year 12 (2023)	Year 13 (2024)
Existing Taxable Value (TV):	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810
New Taxable Value for Non-Homestead: (1)	\$91,810	\$91,810	\$2,015,000	\$2,035,150	\$2,055,502	\$2,076,057	\$2,096,817	\$2,117,785	\$2,138,963	\$2,160,353	\$2,181,956	\$2,203,776	\$2,225,814
New Taxable Value for Homestead:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Incremental Difference (New Taxable Value - Existing):	\$0	\$0	\$1,923,190	\$1,943,340	\$1,963,692	\$1,984,247	\$2,005,007	\$2,025,975	\$2,047,153	\$2,068,543	\$2,090,146	\$2,111,966	\$2,134,004

Millage Category	Millage Rates (2)
------------------	-------------------

State Capture (2)

State Education Tax (SET)	6.00000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	3,103	\$	6,270	\$	9,504	\$	12,804
School Operating	18.00000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	9,308	\$	18,811	\$	28,512	\$	38,412
STATE TOTAL	24.00000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	12,411	\$	25,082	\$	38,015	\$	51,216
State - Accumulated Capture		\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	12,411	\$	37,493	\$	75,508	\$	126,724

Local Capture

MAISD	3.75800	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,943	\$	3,927	\$	5,953	\$	8,020
Community College	2.20370	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,140	\$	2,303	\$	3,491	\$	4,703
City Operating	12.07490	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	6,244	\$	12,619	\$	19,126	\$	25,768
County Voted	0.69730	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	361	\$	729	\$	1,105	\$	1,488
Library	2.40000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,241	\$	2,508	\$	3,802	\$	5,122
County Operating	5.69840	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	2,947	\$	5,955	\$	9,026	\$	12,160
LOCAL - TOTAL CAPTURE	26.8323	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	13,876	\$	28,042	\$	42,502	\$	57,260
Local - Accumulated Capture		\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	13,876	\$	41,918	\$	84,419	\$	141,680

TOTAL TAX CAPTURE (school and local)	50.83230	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	26,287	\$	53,123	\$	80,517	\$	108,476
Accumulated Tax Capture		\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	26,287	\$	79,411	\$	159,928	\$	268,404

(1) Taxable Value (TV) is increased 1% per year for inflation.

(2) State and Local Capture does not include any debt. All millage rates are listed without debt.

Property is subject to Ren Zone that will begin to phase out in 2021 at 25%, 50% and 75% through 2023.

Proposed 100% Capture	State Capture	Local Capture	2021	2022	2023	2024
			\$ 12,411	\$ 25,082	\$ 38,015	\$ 51,216
			\$ 13,876	\$ 28,042	\$ 42,502	\$ 57,260

Eligible Activity																								
Balance	\$	400,000	\$	420,000	\$	441,000	\$	463,050	\$	486,203	\$	510,513	\$	536,038	\$	562,840	\$	564,695	\$	539,806	\$	486,280	\$	402,117
Interest (5%)	\$	20,000	\$	21,000	\$	22,050	\$	23,153	\$	24,310	\$	25,526	\$	26,802	\$	28,142	\$	28,235	\$	26,990	\$	24,314	\$	20,106

Parkland Muskegon, LLC
(Apartments)
Brownfield TIF Capture from Parkland Muskegon Property

Year 14 (2025)	Year 15 (2026)	Year 16 (2027)	Year 17 (2028)	Year 18 (2029)	Year 19 (2030)	Year 20 (2031)	Year 21 (2032)	Year 22 (2033)	Year 23 (2034)	Year 24 (2035)	Year 25 (2036)	Year 26 (2037)	Year 27 (2038)	Year 28 (2039)	
\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	\$91,810	
\$2,248,072	\$2,270,552	\$2,293,258	\$2,316,191	\$2,339,352	\$2,362,746	\$2,386,373	\$2,410,237	\$2,434,340	\$2,458,683	\$2,483,270	\$2,508,102	\$2,533,183	\$2,558,515	\$2,584,100	
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
\$2,156,262	\$2,178,742	\$2,201,448	\$2,224,381	\$2,247,542	\$2,270,936	\$2,294,563	\$2,318,427	\$2,342,530	\$2,366,873	\$2,391,460	\$2,416,292	\$2,441,373	\$2,466,705	\$2,492,290	Total Project Capture

\$ 12,938	\$ 13,072	\$ 13,209	\$ 13,346	\$ 13,485	\$ 13,626	\$ 13,767	\$ 13,911	\$ 14,055	\$ 14,201	\$ 14,349	\$ 14,498	\$ 14,648	\$ 14,800	\$ 14,954	\$ 240,540
\$ 38,813	\$ 39,217	\$ 39,626	\$ 40,039	\$ 40,456	\$ 40,877	\$ 41,302	\$ 41,732	\$ 42,166	\$ 42,604	\$ 43,046	\$ 43,493	\$ 43,945	\$ 44,401	\$ 44,861	\$ 721,620
\$ 51,750	\$ 52,290	\$ 52,835	\$ 53,385	\$ 53,941	\$ 54,502	\$ 55,070	\$ 55,642	\$ 56,221	\$ 56,805	\$ 57,395	\$ 57,991	\$ 58,593	\$ 59,201	\$ 59,815	\$ 962,160
\$ 178,475	\$ 230,765	\$ 283,599	\$ 336,984	\$ 390,925	\$ 445,428	\$ 500,497	\$ 556,140	\$ 612,360	\$ 669,165	\$ 726,560	\$ 784,551	\$ 843,144	\$ 902,345	\$ 962,160	

\$ 8,103	\$ 8,188	\$ 8,273	\$ 8,359	\$ 8,446	\$ 8,534	\$ 8,623	\$ 8,713	\$ 8,803	\$ 8,895	\$ 8,987	\$ 9,080	\$ 9,175	\$ 9,270	\$ 9,366	\$ 150,658
\$ 4,752	\$ 4,801	\$ 4,851	\$ 4,902	\$ 4,953	\$ 5,004	\$ 5,057	\$ 5,109	\$ 5,162	\$ 5,216	\$ 5,270	\$ 5,325	\$ 5,380	\$ 5,436	\$ 5,492	\$ 88,346
\$ 26,037	\$ 26,308	\$ 26,582	\$ 26,859	\$ 27,139	\$ 27,421	\$ 27,707	\$ 27,995	\$ 28,286	\$ 28,580	\$ 28,877	\$ 29,176	\$ 29,479	\$ 29,785	\$ 30,094	\$ 484,083
\$ 1,504	\$ 1,519	\$ 1,535	\$ 1,551	\$ 1,567	\$ 1,584	\$ 1,600	\$ 1,617	\$ 1,633	\$ 1,650	\$ 1,668	\$ 1,685	\$ 1,702	\$ 1,720	\$ 1,738	\$ 27,955
\$ 5,175	\$ 5,229	\$ 5,283	\$ 5,339	\$ 5,394	\$ 5,450	\$ 5,507	\$ 5,564	\$ 5,622	\$ 5,680	\$ 5,740	\$ 5,799	\$ 5,859	\$ 5,920	\$ 5,981	\$ 96,216
\$ 12,287	\$ 12,415	\$ 12,545	\$ 12,675	\$ 12,807	\$ 12,941	\$ 13,075	\$ 13,211	\$ 13,349	\$ 13,487	\$ 13,627	\$ 13,769	\$ 13,912	\$ 14,056	\$ 14,202	\$ 228,449
\$ 57,857	\$ 58,461	\$ 59,070	\$ 59,685	\$ 60,307	\$ 60,934	\$ 61,568	\$ 62,209	\$ 62,855	\$ 63,509	\$ 64,168	\$ 64,835	\$ 65,508	\$ 66,187	\$ 66,874	\$ 1,075,707
\$ 199,537	\$ 257,998	\$ 317,068	\$ 376,753	\$ 437,060	\$ 497,994	\$ 559,562	\$ 621,771	\$ 684,627	\$ 748,135	\$ 812,304	\$ 877,138	\$ 942,646	\$ 1,008,833	\$ 1,075,707	

\$ 109,608	\$ 110,750	\$ 111,905	\$ 113,070	\$ 114,248	\$ 115,437	\$ 116,638	\$ 117,851	\$ 119,076	\$ 120,314	\$ 121,563	\$ 122,826	\$ 124,101	\$ 125,388	\$ 126,689	\$ 2,037,868
\$ 378,012	\$ 488,762	\$ 600,667	\$ 713,737	\$ 827,985	\$ 943,422	\$ 1,060,060	\$ 1,177,911	\$ 1,296,987	\$ 1,417,301	\$ 1,538,864	\$ 1,661,690	\$ 1,785,790	\$ 1,911,179	\$ 2,037,868	

2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
\$ 51,750	\$ 10,381														\$ 188,856
\$ 57,857	\$ 58,461	\$ 59,070	\$ 59,685	\$ 60,307	\$ 60,934	\$ 59,711									\$ 557,705
\$ 312,615	\$ 259,404	\$ 213,305	\$ 164,285	\$ 112,192	\$ 56,867	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 746,560
\$ 15,631	\$ 12,970	\$ 10,665	\$ 8,214	\$ 5,610	\$ 2,843	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	

47.2% State
52.8% Local

DEVELOPMENT AND REIMBURSEMENT AGREEMENT

THIS DEVELOPMENT AND REIMBURSEMENT AGREEMENT (the “**Agreement**”) is made on _____, 2012, by and between the CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY, a Michigan public body corporate, whose address is 933 Terrace Street, Muskegon, Michigan 49440 (the “**Authority**”), and PARKLAND MUSKEGON, LLC, whose address is 940 Monroe Avenue NW, Suite 155, Grand Rapids, Michigan 49503 (the “**Developer**”).

RECITALS

A. Pursuant to P.A. 381 of 1996, as amended, (“**Act 381**”), the Authority adopted a brownfield plan in _____ (the “**Brownfield Plan**”) to add property located at 241, 255 and 285 W. Western Avenue, Muskegon, Michigan (the “**Property**”).

B. The Developer owns the Property, which is included in the Brownfield Plan as an “eligible property” because it is a “facility”, as defined by Part 201 of the Natural Resources and Environmental Protection Act (“**Part 201**”). The Developer is not a liable party, under Part 201, for the contamination on the Property.

C. The Developer intends to conduct eligible activities on the Property in order to address environmental conditions and redevelop the site (the “**Project**”). The Project will likely include baseline environmental assessment activities, due care response activities, demolition, site preparation and public infrastructure eligible activities under Act 381 (the “**Eligible Activities**”), all as described in the Brownfield Plan and eligible for reimbursement under Act 381. The total cost of the Eligible Activities, including contingencies and interest (as described in paragraph 1), are not to exceed \$750,000 (the “**Total Eligible Brownfield TIF Costs**”).

D. Act 381 permits the Authority to capture and use the school tax (where applicable) and local property tax revenues generated from the incremental increase in property value of a redeveloped brownfield site constituting an “eligible property” under Act 381 to pay or to reimburse the payment of Eligible Activities conducted on the “eligible property” (the “**Brownfield TIF Revenue**”).

E. In accordance with Act 381, the parties desire to establish the procedure for using the available Brownfield TIF Revenue generated from the Property to reimburse the Developer for completion of Eligible Activities on the Property in an amount not to exceed the Total Eligible Brownfield TIF Costs.

NOW, THEREFORE, the parties agree as follows:

1. Reimbursement Source.

During the Term (defined below) of this Agreement, and except as set forth in paragraph 2 below, the Authority shall reimburse the Developer for its Eligible Activities costs conducted on the Property from the Brownfield TIF Revenue collected from the real and personal property taxes on the Property. The amount reimbursed to Developer for the Eligible Activities shall not exceed the Total Eligible Brownfield TIF Costs, which consists of \$400,000 of principal Eligible Activities plus simple interest calculated at a rate of five (5) percent on Developer’s unpaid Eligible Activities from the date they have been approved for reimbursement by the Authority. The Authority shall capture Brownfield TIF Revenue from the Property and reimburse Developer for Eligible Activities (with interest) until the earlier of the Developer being fully reimbursed or December 31, 2029. The Authority may choose at anytime to pay the entire balance of Developer’s unpaid principal cost (plus any accrued interest) of the approved Eligible

Activities and avoid paying additional interest. Unless otherwise prepaid by the Authority, payments to the Developer shall be made on a semi-annual basis as incremental local and school taxes are captured and available.

2. Reimbursement Process.

(a) Developer shall submit to the Authority, not more frequently than on a quarterly basis, a "Request for Cost Reimbursement" of Eligible Activities paid for by the Developer during the prior period. All costs for the Eligible Activities must be consistent with the approved Brownfield Plan. The Developer must include documentation sufficient for the Authority to determine whether the costs incurred were for Eligible Activities, including detailed invoices and proof of payment. Copies of all invoices for Eligible Activities must note what Eligible Activities they support.

(b) Unless it disputes whether such costs are Eligible Activities within thirty (30) days after receiving a Request for Cost Reimbursement from Developer, the Authority shall pay to the Developer the amounts for which submissions have been made pursuant to paragraph 2(a) of this Agreement from which the submission may be wholly or partially paid from available Brownfield TIF Revenue from the Property as described in paragraph 1. The Developer shall cooperate with the Authority's review by providing information and documentation to supplement the Request for Cost Reimbursement which may be reasonably requested by the Authority. If a partial payment is made by the Authority because of insufficient Brownfield TIF Revenue, the Authority shall make additional payments toward the remaining amount within thirty (30) days of its receipt of additional Brownfield TIF Revenue from the Property until all of the amounts for which submissions have been made, have been fully paid to Developer or

the end of the Term (defined below), whichever occurs first. The Authority is not required to reimburse the Developer from any other source. If the Authority determines that requested costs are deemed ineligible for reimbursement, the Authority shall notify the Developer in writing of its reasons for rejection within the thirty (30) day time period for review. The Developer shall then have thirty (30) days to provide supplemental information or documents to the Authority demonstrating that the costs are eligible for reimbursement.

(c) The Authority shall send all payments to the Developer by registered or certified mail addressed to the Developer at the address shown above, or by electronic funds transfer directly to Developer's bank account. Developer may change the address by providing written notice sent by registered or certified mail to the Authority.

3. Term of Agreement.

The Authority's reimbursement of the Total Eligible Brownfield TIF Costs under this Agreement shall terminate the earlier of the date when all reimbursements to Developer required under this Agreement have been made or December 31, 2029 (the "Term"). If the Brownfield TIF Revenue ends before the full reimbursement of all of Developer's Total Eligible Brownfield TIF Costs, the last reimbursement payment by the Authority shall be the summer and winter tax increment collected during the final year of this Agreement.

4. Adjustments

If, due to an appeal of any tax assessment or reassessment of any portion of the Property or for any other reason the Authority is required to reimburse any Brownfield TIF Revenue to any tax levying unit of government, the Authority may deduct the

amount of any such reimbursement, including interest and penalties, from any amounts due and owing the Developer. If all amounts due the Developer under this Agreement have been fully paid or the Authority is no longer obligated to make any further payments to the Developer, the Authority shall invoice the Developer for the amount of such reimbursement and the Developer shall pay the Authority such invoiced amount within thirty (30) days of the Developer's receipt of the invoice. Amounts invoiced and paid to the Authority by the Developer pursuant to this paragraph shall be reinstated as Eligible Activities for which the Developer shall have the opportunity to be reimbursed in accordance with the terms, conditions and limitations of this Agreement. Nothing in this Agreement shall limit the right of the Developer to appeal any tax assessment.

5. Legislative Authorization.

This Agreement is governed by and subject to the restrictions set forth in Act 381. If there is legislation enacted in the future that alters or affects the amount of Brownfield TIF Revenue subject to capture, eligible property, or eligible activities, then the Developer's rights and the Authority's obligations under this Agreement shall be modified accordingly as required by law, or by agreement of the parties.

6. Notices.

All notices shall be given by registered or certified mail addressed to the parties at their respective addresses as shown above. Any party may change the address by written notice sent by registered or certified mail to the other party.

7. Assignment.

This Agreement and the rights and obligations under this Agreement shall not be assigned or otherwise transferred by any party without the consent of the other party,

which shall not be unreasonably withheld, *provided, however*, the Developer may assign its interest in this Agreement to an affiliate without the prior written consent of the Authority, *provided*, any such assignee shall acknowledge to the Authority in writing on or prior to the effective date of such assignment its obligations upon assignment under this Agreement, *provided, further*, that the Developer may make a collateral assignment of the Brownfield TIF Revenue for project financing purposes. As used in this paragraph, “affiliate” means any corporation, company, partnership, limited liability company, trust, sole proprietorship or other entity or individual which (a) is owned or controlled by such Developer, (b) owns or controls such Developer or (c) is under common ownership or control with such Developer. This Agreement shall be binding upon any successors or permitted assigns of the parties.

8. Entire Agreement.

This Agreement supersedes all agreements previously made between the parties relating to the subject matter. There are no other understandings or agreements between them.

9. Non-Waiver.

No delay or failure by any party to exercise any right under this Agreement, and no partial or single exercise of that right, constitutes a waiver of that or any other right, unless otherwise expressly provided herein.

10. Headings.

Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

11. Governing Law.

This Agreement shall be construed in accordance with an governed by the laws of the State of Michigan.

12. Counterparts.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

13. Binding Effect.

The provisions of this Agreement shall be binding upon and inure to the benefit of all the parties and their respective heirs, legal representatives, successors and assigns.

The parties have executed this Agreement on the date set forth above.

CITY OF MUSKEGON BROWNFIELD
REDEVELOPMENT AUTHORITY

By: _____

Its: _____

PARKLAND MUSKEGON, LLC

By: _____

Its: _____

Date: August 28, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
**RE: Designation of Voting Delegates for the Michigan
Municipal League Annual Business Meeting**

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the annual meeting; and, if possible, to designate one other official to serve as alternate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.



michigan municipal league

Better Communities.
Better Michigan.

1675 Green Road
Ann Arbor, MI 48105

TEL 734.662.3246 800.653.2483
FAX 734.662.8083
WEB www.mml.org

August 10, 2012

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held on Mackinac Island, October 3-5, 2012. The annual meeting is scheduled for 11:00 am on Wednesday, October 3 in the Terrace Room at the Grand Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).
2. Policy. A) To vote on the Core Legislative Principles document. B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

A) In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Susan at the League at 800-653-2483.

B) In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by September 3, 2012.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than September 21, 2012.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the

principal representative."

1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the League to receive resolutions is **September 3, 2012**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, which serves as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

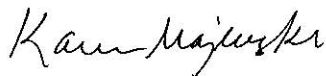
Further, "Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, October 3 at the Grand Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



Karen Majewski
President
Mayor of Hamtramck



Daniel P. Gilmartin
Executive Director & CEO
Enc.