

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 26, 2008

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. Geographic Information Systems Basic Level of Service Inter-Governmental Agreement between the City of Muskegon and County of Muskegon. PLANNING & ECONOMIC DEVELOPMENT
 - C. Appointment of Representative and Alternate Representative to Muskegon Central Dispatch Board of Directors. CITY MANAGER
 - D. Rezoning Request for Property Located at 1934 E. Sherman Boulevard. PLANNING & ECONOMIC DEVELOPMENT
 - E. Rezoning Request for Properties Located at 639 and 623 W. Clay Avenue and 1236 Eighth Street. PLANNING & ECONOMIC DEVELOPMENT
 - F. Amendment to the Zoning Ordinance – Height Limit in R-1. PLANNING & ECONOMIC DEVELOPMENT
 - G. Downtown and Lakeshore Redevelopment Plan – Approval to Distribute to Neighboring Communities. PLANNING & ECONOMIC DEVELOPMENT
 - H. Meter Reading Radio Equipment Purchase. PUBLIC WORKS
 - I. Adoption of the Michigan Small Harbors Coalition Resolution. PUBLIC WORKS
 - J. Liquor License Transfer Request for Baker College of Muskegon, 336 W. Clay. CITY CLERK
 - K. Request for Encroachment Agreement – Sidewalk Encroachment for

1965 Lakeshore Drive. ENGINEERING

L. Easement to Consumer Energy on Walton between Jefferson and Terrace. ENGINEERING

M. Consideration of Bids for Musketawa Trail Connector Corridor (Phase I). ENGINEERING

N. Agreement for School Resource Officer – Muskegon Public Schools. PUBLIC SAFETY

❑ PUBLIC HEARINGS:

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

A. Amendment to the Zoning Ordinance for WM, Waterfront Marine Districts, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT

❑ NEW BUSINESS:

A. Special Assessment Relief for Vida Nova Property. PLANNING & ECONOMIC DEVELOPMENT

B. Request to Revoke the Obsolete Property Rehabilitation Exemption Certificate at 790 Terrace. PLANNING & ECONOMIC DEVELOPMENT

C. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting. CITY CLERK

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

254 Amity Avenue, Area II

1259 Sanford Street, Area 10

1329 Fourth Street (Garage), Area 10

1573 Beidler Street, Area 12

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ 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 BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the August 11th Commission Worksession, and the August 12th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

Commission Meeting Date: August 26, 2008

Date: August 15, 2008
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBE
RE: Geographic Information Systems (GIS) Basic
Level of Service Inter-Governmental Agreement
between the City of Muskegon and County of
Muskegon.

SUMMARY OF REQUEST:

To approve the Geographic Information Systems (GIS) Basic Level of Service Inter-Governmental Agreement between the City of Muskegon and County of Muskegon and authorize the first installment payment to be paid January 2009 (due to the fact the City's and County's budget years are different). The contract is a five year contract with the first year's payment to be paid in the amount of \$11,572.56. By entering into this agreement, it will provide the City with daily updated parcel and ownership information. It will also save the City money due to decreasing the duplication of public services.

FINANCIAL IMPACT:

To be paid out of the GIS Fund during the 2009 budget year.

BUDGET ACTION REQUIRED:

To ensure funds are included in the 2009 budget.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2008-74(b)

MUSKEGON CITY COMMISSION

RESOLUTION TO ENTER INTO AN AGREEMENT FOR THE GEOGRAPHIC INFORMATION SYSTEM (GIS) BASIC LEVEL OF SERVICE INTER-GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MUSKEGON AND THE COUNTY OF MUSKEGON.

WHEREAS, the contract has a stipulation that it is a five (5) year contract, and;

WHEREAS, after the five (5) years have ended, the City may decide to not continue or to pay the yearly fee and have that be considered as accepting the contract each year;

WHEREAS, the yearly fees are based on parcels of land, current taxable value, population, and Customer Price Index (CPI);

WHEREAS, the fees are budgeted each year in the GIS fund;

WHEREAS, the City of Muskegon will be billed by the County on October 1st of each year with the City being allowed to pay the bill in January of the following year in order to follow the City's budget year;

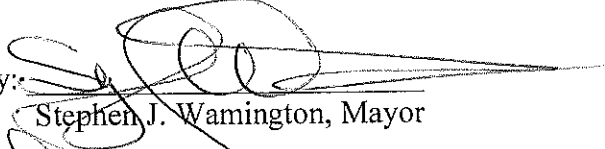
NOW THEREFORE BE IT RESOLVED, that the City of Muskegon shall set up necessary procedures and controls to provide for the distribution of funds arising from the contract.

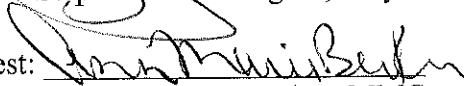
Adopted this 26th day of August, 2008.

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski,
and Carter

Nays: None

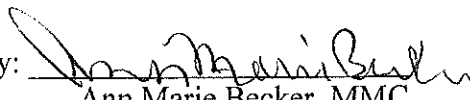
Absent: None

By: 
Stephen J. Warmington, Mayor

Attest: 
Ann Marie Becker, MMC
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 26, 2008.

By: 
Ann Marie Becker, MMC
Clerk

***Geographic Information System (GIS)
Basic Level of Service
Inter-Governmental Agreement***

Between

The City of Muskegon

And The

COUNTY OF MUSKEGON, MICHIGAN

Geographic Information System (GIS) Basic Level of Service Agreement

Between the City of Muskegon

and the

County of Muskegon, Michigan

This Agreement, entered into as of this 26th day of August, 2008, by Muskegon County, a political subdivision of the State of Michigan, with offices at at 990 Terrace Street, Muskegon, Michigan, 49442, acting by and through its Board of Commissioners, hereinafter called "County" and the City of Muskegon, hereinafter called "Municipality," a political subdivision of the State of Michigan, with offices located at 933 Terrace Street, Post Office Box 536, Muskegon, Michigan, 49443.

WHEREAS, Section 3(1)(d) of the State of Michigan's Enhanced Access to Public Records Act (MCL 15.443(1)(d); MSA 4.1803(3)(1)(d)) authorizes the County and Municipality to enter into an intergovernmental Agreement which permits each of the parties to the Agreement to have for their official use access to or output from the other's geographical information system; and

WHEREAS, the intergovernmental Agreements authorized by the State of Michigan's Enhanced Access to Public Records Act must contain certain provisions mandated by the Act; and

WHEREAS, the County and the Municipality desire to enter into an intergovernmental Agreement as authorized by Section 3(1)(d) of the State of Michigan Enhanced Access to Public Records Act to exchange access to and/or output from the Muskegon County Geographic Information System, and to allow the County to charge a reasonable fee for providing this service; and

WHEREAS, County and the Municipality desire to establish and maintain a legal relationship which will ensure adequate coordination with respect to development and on-going operation of a common GIS (Geographic Information System) base map; and

WHEREAS, County and the Municipality desire to establish a common Muskegon County base map for use by Municipality as its base layer with geographic features tied to this base; and

WHEREAS, County and the Municipality desire to define staff roles and responsibilities when coordinating programs that have shared benefits; and

WHEREAS, County and the Municipality seek Agreement on how data sets are made available to both parties.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, **IT IS HEREBY AGREED** as follows:

I. DEFINITIONS

- A. "Basemap" shall mean the Muskegon County GIS Primary Basemap, consisting of digital orthophotography, streets, geopolitical, and cadastral features, along with all associated data tables. See Appendix A for a detailed list of the feature classes (layers) of data that are part of the Basemap.
- B. "Core GIS Staff" refers to any and all GIS specific staff at the County. At the time of this contract, two (2) staff members are identified as Core GIS Staff, the Property Information Analyst and the Geographic Information Technician.
- C. "County" refers to Muskegon County, Michigan.
- D. "County GIS Layers" shall mean all works created by the County which are not derived from the County's Basemap. Examples include, but are not limited to, Environmental, Engineering, Public Health, Economic Development, Emergency Management, and additional layers.
 - 1. "Unrestricted County GIS Layers" shall mean all GIS layers that are not defined as "Restricted."
 - 2. "Restricted County GIS Layers" shall mean all GIS layers that are defined as needing to have restricted or authorized use due to their confidential and/or sensitive nature, or that are deemed to be protected due to emergency management and/or homeland security concerns.
- E. "Data" shall mean digital databases or data layers, which contain references to geographic locations.
- F. "Enhanced access" means a public record's immediate availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
- G. "Enhanced Access to Public Records Act" shall mean State of Michigan Public Act No. 462 of the Public Acts of 1996, as amended. [MCL 15.441 et seq; MSA 4.1803(1) et seq].
- H. "GIS" shall mean the Geographic Information System.
- I. "Geographical information system" means an informational unit or network capable of producing customized maps based on a digital representation of geographical data.
- J. "GIS Coordinator" shall mean the Geographic Information Analysts of the Muskegon County Equalization Department, or subsequent position, based on the reclassification of staff and/or reorganization of the GIS program into a separate or different department within the County structure.
- K. "Metadata" shall mean information that describes the characteristics of the data, which must be in accordance with the GIS Data Standards developed by the County's Geographic Information System.
- L. "Municipality" shall mean the City, Township, or Village participating in this Agreement.
- M. "Municipality GIS Layers" shall mean all GIS layers or feature sets that are created exclusively by the Municipality outside of the provisions of this agreement.
- N. "Operating expenses" includes, but is not limited to, a public body's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
- O. "Person" means that term as defined in section 2 of the freedom of information act, 1976 PA 442, MCL 15.232

P. "Public body" means that term as defined in section 2 of the freedom of information act, 1976 PA 442, MCL 15.232.

Q. "Public record" means that term as defined in section 2 of the freedom of information act, 1976 PA 442, MCL 15.232.

R. "Reasonable fee" means a charge calculated to enable a public body to recover over time only those operating expenses directly related to the public body's provision of enhanced access.

S. "Software" means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.

T. "Third Party" shall mean a person or entity other than a party to this Agreement.

II. TERMS OF AGREEMENT

A. This Agreement shall be effective from the date approved and executed by both parties and will remain in effect until termination by either party. This Agreement may be terminated in accordance with Section 11, "Termination of Agreement."

B. The initial period of this Agreement shall be from October 1, 2008 to September 30, 2013. Following this initial five-year period, the Agreement period will be from October 1 of a given year to September 30 of the following year.

III. FEE SCHEDULE

A. The fee schedule will be updated October 1st of each year by the County GIS Coordinator based on the formula established and set forth in Appendix A. This formula utilizes the factors of Geographic Area, Parcel Count, Current Taxable Value, and Population. The fee schedule will also be adjusted annually by the Consumers Price Index (CPI) by applying the adjustment percentage to the total fee generated by all parties involved. The CPI utilized will be the same formula as calculated for the purposes of Assessment Administration Taxable Value Increase formulas.

B. Annually, following the update of the fee schedule, the GIS Coordinator will provide an updated fee schedule to all municipalities and produce invoices for the annual Agreement. The Municipality shall remit the annual fee in a single payment within 90 days of receipt of the invoice.

C. For the period October 1, 2008 to September 2009, the fee charged to said Municipality for services provided by the County under this Agreement shall be **\$11,572.56.**

IV. OWNERSHIP OF GIS DATA

A. This Agreement does not constitute a transfer of title or interest in the layers and/or features contained within the GIS. Any portion of this data that is modified or merged into another computer file or program by the Municipality, or is integrated with other programs and/or data to form derivative products, shall continue to be subject to the provisions of this Agreement. The County shall retain ownership of the basemap, County GIS Layers, and all such portions.

B. The County reserves the right to incorporate all Municipalities GIS layers into the County's GIS Database. The Municipality will retain ownership of any such incorporated data and the rights to control any redistribution or use of the data.

V. DELIVERABLES AND SERVICES RENDERED

A. Exchange of Data

1. The County agrees to provide access to the Basemap and unrestricted County GIS Layers in electronic media format and/or via an internet/intra-net application that may be developed for the dissemination of Muskegon County GIS data and services.
2. The Municipality agrees to provide access to any/all of its available GIS layers and/or data in electronic media format
3. Each party in this Agreement will provide corrections and updates to the other party for the data which it maintains.

B. Basic Level of Service Elements

1. The County agrees to provide access to the following:
 - a) Unrestricted GIS Layers and Databases on GIS Warehouse
 - b) Development and implementation of web based mapping systems with appropriate links to/from existing County and Municipality web sites
 - c) Mass purchasing opportunities for GIS Software and/or Data as situations present
 - d) Technical support for GIS matters available through Core GIS Staff up to a maximum of 40 hours annually
 - e) Establishment of a Muskegon GIS Users Group and associated user group meetings held at least quarterly.
2. The Municipality agrees to provide access to and copies of any/all information, including but not limited to maps, studies, reports, and information, needed for the development and/or maintenance of any feature classes (layers) being maintained or developed by the County as part of the GIS development.

C. GIS Feature Classes (Layers)

1. The following Feature Classes (Layers) will be developed and maintained by the County as part of this Agreement. Layers being developed shall utilize data provided by the Municipality, and all maintenance will rely on the transmission of corrections and updates from the Municipality to the County. Layers noted as Maintenance shall begin on the effective date of this Agreement, and layers noted as "to be developed" will be developed within the first two (2) years of this Agreement, unless otherwise noted, provided data is available from the Municipality to support the development.
 - a) Parcel Boundaries (and associated basemap layers) (maintenance)
 - b) Zoning (maintenance/to be developed)
 - c) DDA/TIFA and/or other Tax Districts (maintenance/to be developed)
 - d) Digital Ortho Photography (to be acquired at least every 5 years beginning with 2008 acquisition)
 - e) Elevation Models (to be updated with Digital Ortho Photography updates)
 - f) LiDAR based Contour Mapping (to be developed)
 - g) Hydrology (to be developed)
 - h) Street Centerlines with Addressing Ranges (to be developed)
 - i) Census Boundaries (to be developed in conjunction with 2010 census update)
 - j) Voting and Commission/Council District Mapping (to be developed)

k) Land Use and Future Land Use (to be developed)

D. Printed Mapping Product Deliverables

1. Parcel Tax Mapping

- a) The County will provide a complete, updated set of parcel tax maps to the Municipality during the first year of the Agreement.
- b) Annually in April of each year, following the establishment of the assessment rolls, the County will provide to the Municipality updated map pages for any pages that have changed during the course of the year.
- c) Additional sets of the parcel tax maps can be obtained for an additional cost to be agreed upon outside of this Agreement.

2. Zoning Maps

- a) The County will provide an updated Zoning Map annually and/or at the time of any major revisions to the Municipality Zoning Ordinance. At the request of the City, the Zoning Map Layer will be configured such that City of Muskegon Staff will be able to edit and maintain the zoning map layer.

3. Land Use/Future Land Use Maps

- a) The County will provide an updated Land Use and/or Future Land Use Map annually and/or at the time of any revisions to the Municipality Zoning Ordinance.

VI. ACCESS TO ADDITIONAL PARCEL ATTRIBUTE DATASETS

A. The County will provide basic ownership and tax parcel layer data containing a unique parcel identification number (PIN) for each parcel. If the Municipality requires additional parcel attribute data, such as detailed property ownership or tax information, the County will provide access to these data sets under the terms of this Agreement.

VII. DISTRIBUTION OF GIS BASEMAP AND/OR COUNTY GIS DATA

A. The Basemap, or any other County GIS Layers, are to be solely retained by the Municipality. In no instance is this Data to be placed on the Internet or Intra-net, sold, leased, copied, loaned, or transferred, in whole or part to other public agencies, private individuals, private firms, or non-profit entities without the expressed prior written consent of the County, via the GIS Coordinator.

B. Following a request for Data under the Enhanced Access to Public Records Act, the Municipality shall refer the matter to the County, via the GIS Coordinator.

C. Any release to third parties as authorized by this Agreement of the Basemap or County GIS Layers, in whole or in part shall be accompanied by a written notice of the County's ownership thereof and that they shall not be included in or subject to any patents or copyrights which the third party may obtain on products it produces there from.

D. Any release of the Basemap or County GIS Layers, in whole or in part, to third parties performing services and/or working on projects for the Municipality (e.g., Engineers, Consultants, Contractors, etc.) shall be restricted to the performance of such services or work on such Project and may not be used for any other purpose or project. The Municipality, as a condition of releasing the Basemap or any County GIS Layers, shall require the third party in either the contract for the services or project or in a separate Nondisclosure Agreement agree to restrict its use of such materials to the services to be performed on the project and not use it for any other purpose or pass it on to any other party without requiring similar restrictions. A draft of this Nondisclosure Agreement is set forth in Appendix B of this Agreement.

E. Except as provided in MCL 15.443(1), (2), (3), the "Enhanced access to Public Records Act", this agreement does not limit the inspection and copying of a public record pursuant to the Freedom of Information Act, MCL 15.231 to 15.246. This agreement does not apply to Public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or where the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

VIII. MODIFICATIONS AND/OR MAINTENANCE TO THE GIS

A. The Municipality agrees to report all proposed changes, modifications, or corrections to the Basemap and/or any other GIS layer maintained by the County. All proposed changes should be reported within 90 days of determining the necessity of a change, and any necessary documentation regarding the change shall also be provided by the Municipality.

B. The County agrees to review all proposed changes, modifications, or corrections and will process the requests within 90 days of receiving the report of necessity of a change. Upon the completion of the modification, any documentation supplied in support of the modification shall be returned to the originator of the request.

IX. ADHERENCE TO STANDARDS

A. The County and Municipality agree to conform to any/all County GIS Data Standards as may be created or amended from time to time.

B. The County and Municipality agree to produce and maintain metadata for all GIS layers that are incorporated into the County GIS. This metadata shall be produced in accordance with Metadata Standards to be developed and/or maintained by the County.

X. TERMINATION OF AGREEMENT

A. This Agreement may be terminated, in whole or in part, in writing by the County provided all of the following criteria are met:

1. Notification in writing must be given not less than ninety (90) calendar days prior to the intended termination date.
2. Opportunity for consultation between the County and Municipality must be provided.
3. Not less than five (5) years (defined as 60 months) have passed since the Agreement was put in place.

B. This Agreement may be terminated, in whole or in part, in writing by the Municipality provided all of the following criteria are met:

1. Notification in writing must be given not less than ninety (90) calendar days prior to the intended termination date.
2. Notification must be delivered via certified mail, postage prepaid, and return receipt requested.
3. Opportunity for consultation between the County and Municipality must be provided.

4. Not less than five (5) years (defined as 60 months) have passed since the Agreement was put in place.

C. Upon termination, the Municipality must cease use of the County Basemap and all other County GIS Layers.

D. Upon termination, the County must cease use of the Municipality GIS Layers.

XI. NOTICES AND NOTIFICATIONS

A. All notices pertaining to any and all parts of this agreement shall be delivered to the following addresses:

1. If sent to the County by the Municipality

Muskegon County
GIS Coordinator
173 E. Apple Ave.
Muskegon, MI 49442

2. If sent to the Municipality by the County

City of Muskegon
Bryon Mazade, City Manager
933 Terrace St.
P.O. Box 536
Muskegon, MI 49443

XII. ASSIGNMENT

A. This Agreement may not be assigned, transferred, or in any way disposed of by either party without first having obtained written approval of the other party.

XIII. GOVERNING LAW

A. This Agreement, and all actions arising from it, must be governed by, subject to, and construed according to the law of the State of Michigan, with the understanding that terms and phrases used in this Agreement will be given their common and ordinary meaning and not construed against either party.

XIV. LIABILITY

A. All liability, loss, or damage as a result of claims, demands, costs, or judgments arising out of activities of the Municipality will be the sole responsibility of the Municipality and not the responsibility of the County. All liability, loss, or damage as a result of claims, demands, costs, or judgments arising out of activities of the County will be the sole responsibility of the County and not the responsibility of the Municipality. Nothing herein will be construed as a waiver of any governmental immunity, as provided by statute or modified by court decisions, by either the County, its agencies, elected or appointed officers, employees or the Municipality, and its agencies, officers, and employees.

B. Neither the County, nor its officers or employees, makes any warranty, expressed or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, functioning, completeness, or usefulness of the County Basemap or other County GIS Layers.

XV. NON-DISCRIMINATION

A. The County and Municipality agree that each shall comply with all Federal and State of Michigan laws, rules, and regulations governing fair employment practices and equal employment opportunity. The County and the Municipality further agree that each will require any contractor performing services under this Agreement to agree to the provisions of this Section.

B. Breach of this section shall be a material breach of this Agreement.

XVI. RELATIONSHIP OF PARTIES

A. The relationship of the Municipality to the County is and will continue to be that of an independent contractor. No liability or benefits, such as workers' disability compensation, pension rights, or insurance rights, arising out of, or related to a contract for hire or employer/employee relationship accrues to either party or either party's agent, subcontractor or employee as a result of this Agreement. No relationship, other than that of independent contractor will be implied between the parties, or either party's agent, employee, or subcontractor. Regarding liability for benefits as described in this paragraph, the County agrees to hold the Municipality harmless from any claims and any related costs or expense; and the Municipality agrees to hold the County harmless from any claims and any related costs or expense.

XVII. AMENDMENTS

A. No amendment to this Agreement is effective unless it references this Agreement, is written, signed, and acknowledged by duly authorized representatives of both parties.

XVIII. SEVERABILITY OF PROVISIONS

A. If any clause or provision of this Agreement is rendered invalid or unenforceable because of any State of Michigan or Federal statute or regulation or ruling by any tribunal of competent jurisdiction, that clause or provision shall be null and void, and any such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of this Agreement. Where the deletion of the invalid or unenforceable clause or provision would result in the illegality and/or unenforceability of this Agreement, this Agreement shall be considered to have terminated as of the date in which the clause or provision was rendered invalid or unenforceable.

XIX. MERGER CLAUSE

A. This document, including the Appendices, contains the entire Agreement between the parties, and all prior negotiations and Agreements are merged in this document. Neither party has made any representations except those expressly set forth in this Agreement.

XX. NONEXCLUSIVE AGREEMENT

A. The County or the Municipality may contract with other parties providing the same or similar exchange of materials and services so long as each party's obligations to one another contained in this Agreement will not be affected in any manner.

XXI. AUTHORIZATION AND CAPABILITY

A. The County warrants to the Municipality and the Municipality warrants to the County that it has taken all actions necessary for the authorization, execution, delivery, and performance of this Agreement, and that each is ready to perform its obligations. The County further warrants that the person signing this Agreement is authorized to do so on behalf of the County and is empowered to bind the County to this Agreement. The Municipality further warrants that the person signing this Agreement is authorized to do so on behalf of the Municipality and is empowered to bind the Municipality to this Agreement.

B. This Agreement is effective only upon review and approval by the Muskegon County Board of Commissioners.

C. This Agreement is effective only upon review and approval by the Municipality's Governing Body.

XXII. SIGNATURES

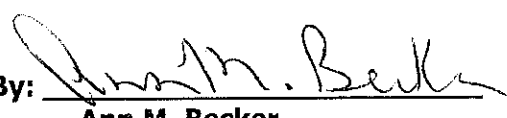
MUNICIPALITY:

By: _____


Steve Warmington

Its: City Mayor

By: _____


Ann M. Becker

Its: City Clerk

MUSKEGON COUNTY:

By: _____

James Derezinski

Its: Chairman of the Board

By: _____

Karen D. Buie

Its: County Clerk

APPROVED AS TO FORM
BY MUSKEGON COUNTY
CORPORATE COUNSEL
THEODORE WILLIAMS

By: _____

Theodore Williams

APPENDIX A
2008/2009 GIS Basic Level of Service Agreement Fee Schedule (Effective October 1, 2008 to September 30, 2009)

Unit of Government	Area in Sq Miles	Area Cost	Parcel Count	+Parcel # Cost	Current Taxable Value (per current Equalization Report)	+ Current Taxable Value Cost	Population (2004 Est) per WMSKDC	+ Population Cost	Total Annual Maintenance Fee	% of Unit to Total
Blue Lake Township	36	1,346.05	1,836	398.74	69,802,844	288.13	2,331	256.37	2,289.30	2.93%
Casnovia Township	36	1,346.05	1,551	336.84	70,566,987	291.29	2,756	303.11	2,277.30	2.91%
Cedar Creek Township	36	1,346.05	1,860	403.95	76,435,529	315.51	3,323	365.48	2,430.99	3.11%
Dalton Township	36	1,346.05	6,704	1,455.97	225,584,610	931.18	8,884	977.09	4,710.29	6.02%
Eggleston Township	36	1,346.05	4,269	927.14	185,851,277	767.16	9,851	1,083.45	4,123.80	5.27%
Fruitland Township	37	1,383.44	3,723	808.56	240,981,980	994.73	5,475	602.16	3,788.89	4.84%
Fruitport Township	30	1,121.71	6,651	1,444.46	460,940,566	1,902.69	12,993	1,429.02	5,897.87	7.54%
Holton Township	35	1,308.66	1,598	347.05	53,817,409	222.15	2,602	286.18	2,164.04	2.77%
Laketon Township	17	635.64	3,792	823.54	220,898,765	911.83	7,712	848.19	3,219.21	4.12%
Montague Township	19	710.42	1,182	256.71	51,018,964	210.60	1,678	184.55	1,362.27	1.74%
Moorland Township	36	1,346.05	947	205.67	38,741,536	159.92	1,849	203.36	1,915.00	2.45%
Muskegon Township	24	897.37	8,048	1,747.86	373,299,840	1,540.92	18,500	2,034.70	6,220.84	7.95%
Ravenna Township	36	1,346.05	1,670	362.69	78,555,539	324.26	2,905	319.50	2,352.51	3.01%
Sullivan Township	24	897.37	1,333	288.50	63,810,714	263.40	2,437	268.03	1,718.30	2.20%
White River Township	16	598.25	1,376	298.84	85,004,426	350.88	1,388	152.66	1,400.63	1.79%
Whitehall Township	10	373.90	1,008	218.92	65,987,258	272.38	1,668	183.45	1,048.66	1.34%
City of Montague	3	112.17	1,705	370.29	83,159,686	343.27	2,345	257.91	1,083.64	1.39%
City of Muskegon	14	523.46	16,480	3,579.11	745,111,000	3,075.70	39,954	4,394.28	11,572.56	14.79%
City of Muskegon Heights	3	112.17	5,850	1,270.50	136,871,309	564.98	11,807	1,298.58	3,246.23	4.15%
City of North Muskegon	2	74.78	1,920	416.98	146,068,385	602.95	4,009	440.92	1,535.63	1.96%
City of Norton Shores	23	859.98	11,444	2,485.40	925,950,710	3,822.17	23,287	2,561.19	9,728.74	12.44%
City of Roosevelt Park	1	37.39	1,666	361.82	127,521,810	526.39	3,819	420.03	1,345.63	1.72%
City of Whitehall	3	112.17	1,707	370.72	120,824,416	498.74	2,828	311.03	1,292.67	1.65%
Village of Casnovia	1	37.39	87	18.89	3,342,329	13.80	138	15.18	85.26	0.11%
Village of Fruitport	1	37.39	599	130.09	31,429,780	129.74	1,090	119.88	417.10	0.53%
Vill Lakewood Club	2	74.78	1,186	257.57	20,975,203	86.58	1,249	137.37	556.31	0.71%
Village of Ravenna	1	37.39	700	152.03	27,939,674	115.33	1,236	135.94	440.69	0.56%
Grand Totals	518	\$19,368.20	90,892	\$19,739.83	\$4,730,492,546	\$19,526.70	178,114.00	\$19,589.62	\$78,224.35	100.00%
Total Less Village Count	513	\$19,181.25	88,320	\$19,181.25	\$4,646,805,560	\$19,181.25	174,401.00	\$19,181.25	\$76,725.00	98.08%

APPENDIX B SAMPLE NONDISCLOSURE AGREEMENT

To protect certain confidential information that may be disclosed to the RECIPIENT, the RECIPIENT agrees as follows:

This Agreement is entered into effective ____/____/____ between the County of Muskegon, with offices at 990 Terrace Street, Muskegon, Michigan 49442 ("County") and _____, with offices at _____, _____, _____ ("Recipient").

I. DEFINITIONS

A. "Confidential Information" means the following:

1. For purposes of this Agreement, the Confidential Information disclosed hereunder is identified in Attachment 1. Confidential Information in written or tangible form shall be labeled confidential or proprietary prior to disclosure. Confidential Information in oral or intangible form shall be designated as confidential or proprietary at the time of disclosure and/or designated as confidential or proprietary by notifying the Recipient in writing within thirty (30) days of said disclosure.

II. RESTRICTIONS

- A. Recipient agrees not to disclose, provide, or otherwise make available any Confidential Information provided by the County to any other person or entity, except as expressly provided in this Nondisclosure Agreement. Recipient agrees to restrict disclosure of Confidential Information to those employees of Recipient who are made aware of, and agree to abide by, the terms of this Nondisclosure Agreement, and even then only on an as-needed basis.
- B. Recipient agrees to take all reasonable steps, at least as great as the steps Recipient takes with respect to its own confidential or proprietary information, to protect the Confidential Information provided by the County from unauthorized disclosure or use.
- C. County GIS Layers are to be solely retained by the Recipient. In no instance are these Data to be placed on the Internet, sold, leased, copied, loaned, or transferred, in whole or part to other public agencies, private individuals, private firms, or non-profit entities.
- D. Recipient agrees that it shall use Confidential Information only in the manner and for the purposes described in the Attachments. Any other use or disclosure of the Confidential Information shall constitute a material breach of this Nondisclosure Agreement.
- E. Recipient shall immediately notify the County in writing of any misuse, misappropriation, or unauthorized disclosure of Confidential Information that may come to its attention.
- F. Notwithstanding anything contained in the Attachments, Recipient agrees that it shall not use any Confidential Information provided by the County for its own personal or commercial benefit or for the personal or commercial benefit of any other person or entity.

III. NO RIGHTS CONFERRED

A. Recipient acknowledges that nothing contained in this Agreement shall be construed as granting or conferring any rights by license or otherwise in any Information disclosed by the County.

IV. NO WARRANTY

A. None of the Confidential Information that may be disclosed by the County shall constitute any representation, warranty, assurance, guarantee, or inducement by the County of any kind. The County shall not be liable for the accuracy of the disclosed information.

V. REMEDIES

A. Recipient acknowledges that its obligations to protect the Confidential Information are essential to the business interests of the County and that the disclosure of such Confidential Information in breach or threatened breach of this Agreement would cause the County immediate, substantial, and irreparable harm, the value of which would be extremely difficult to determine. Accordingly, Recipient agrees that, in addition to any other remedies that may be available in law, equity, or otherwise for the disclosure or use of Confidential Information in breach of this Agreement, the County shall be entitled to seek and obtain a temporary restraining order, injunctive relief, or other equitable relief against the continuance of such breach, in addition to all other remedies, and without the requirement of posting a bond or undertaking or proving injury as a condition for relief.

VI. POINTS OF CONTACT

A. The designated points of contact for controlling the authorized release of the Confidential Information are

B. For Muskegon County:

Thomas Van Bruggen
Property Information Analyst
Muskegon County Equalization
Mapping & GIS
173 E. Apple Ave.
Muskegon, MI 49442
Telephone: (231) 724-6810
Fax: (231) 724-1129
E-mail: vanbruggenth@co.muskegon.mi.us

C. For Recipient:

Name: _____
Company: _____
Address: _____

Telephone: _____
Fax: _____
E-mail: _____

VII. RETURN OF MATERIALS

A. Upon the County's written request, Recipient agrees to promptly return to the County any materials or documents, whether or not furnished by the County, containing Confidential Information together with all copies thereof made by Recipient, or to destroy such items and deliver to the County written certification that they have been destroyed.

VIII. TERM; TERMINATION

A. This Agreement shall be effective as of the date first written above and shall continue until terminated by either party upon thirty (30) days prior written notice. All obligations undertaken respecting Confidential Information already provided hereunder shall survive any termination of this Agreement. The Recipient shall, within twenty (20) days of a written request by the County, return all Confidential Information, including all copies thereof, to the County or, if so directed by the County, destroy all such Confidential Information. The Recipient shall also, within ten (10) days of a written request by the County, certify in writing that it has satisfied its obligations under Articles 2 and 8 of this Agreement.

IX. GOVERNING LAW

A. The laws of the state of Michigan shall govern the interpretation of this Agreement as it relates to the specific disclosed Confidential Information.

X. ACCEPTED AND AGREED

Muskegon County:

Recipient:

Thomas Van Bruggen
Property Information Analyst

Name:
Title:

Date: _____

Date: _____

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 14, 2008

RE: Appointment of Representative and Alternate Representative to Muskegon Central Dispatch Board of Directors

SUMMARY OF REQUEST:

To appoint the City Manager as representative for the City of Muskegon to serve as a director on the Muskegon Central Dispatch Board of Directors and to appoint the Director of Public Safety as an alternate representative.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request and authorize city clerk to provide a signed, written consent resolution to the Muskegon Central Dispatch Board of Directors.

COMMITTEE RECOMMENDATION:

RESOLUTION 2008-74(c)

RESOLUTION TO APPOINT THE CITY MANAGER AS REPRESENTATIVE FOR THE CITY OF MUSKEGON TO SERVE AS A DIRECTOR ON THE MUSKEGON CENTRAL DISPATCH 911 BOARD OF DIRECTORS AND TO APPOINT THE DIRECTOR OF PUBLIC SAFETY AS AN ALTERNATE REPRESENTATIVE, AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO SIGN AND ATTEST SAID RESOLUTION

Moved by Commissioner Carter and supported by

Commissioner Gawron that the following Resolution be adopted:

WHEREAS, Muskegon Central Dispatch 911, formerly known as "Central Operators for Police Services" or "COPS," provides emergency dispatch services within Muskegon County; and

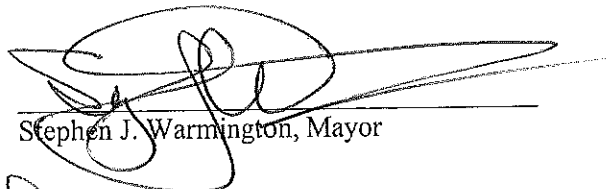
WHEREAS, the City of Muskegon is a Member of Muskegon Central Dispatch 911, having a full-time, paid, law enforcement department; and,

WHEREAS, each Member will appoint a representative and an alternate representative to serve as a director on the Muskegon Central Dispatch 911 Board of Directors, by a formal majority vote of the governing body of the Member

RESOLVED, the City Manager is hereby appointed as representative for the City of Muskegon to serve as a director on the Muskegon Central Dispatch 911 Board of Directors, the Director of Public Safety is hereby appointed as an alternate representative, and the Mayor and Clerk are authorized to sign and attest this Resolution.

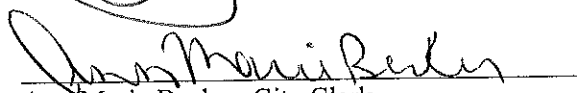
Adopted this 26th day of August, 2008.

BY



Stephen J. Warmington, Mayor

ATTEST



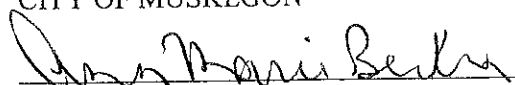
Ann Marie Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on August 26, 2008. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Ann Marie Becker, City Clerk

Commission Meeting Date: August 26, 2008

Date: August 15, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Rezoning request for property located at 1934 E. Sherman Boulevard

SUMMARY OF REQUEST:

Request to rezone the front portion of the property located at 1934 E. Sherman Boulevard, from I-2, General Industrial District to B-4, General Business District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/14 meeting. The vote was unanimous, with S. Warmington absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2247

An ordinance to amend the zoning map of the City to provide for a zone change for a certain property from I-2 "General Industrial" district to B-4 "General Business" district.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial" district to B-4 "General Business" district:

That part of the Southeast ¼ of the Southwest ¼ of Section 34, Town 10 North, Range 16 West, City of Muskegon, County of Muskegon, State of Michigan described as: Commencing at the South ¼ corner of said Section; thence along the North and South ¼ line North 01 degrees East 350.00 feet to the North line of Sherman Boulevard; thence along said North line South 89 degrees 57 minutes West 416.00 feet for the point of beginning; thence continuing along said North line South 89 degrees 57 minutes 00 seconds West 121.88 feet; thence continuing along said North line Westerly 103.22 feet along the arc of a 2694.42 foot radius curve to the left of the chord of which bears South 88 degrees 51 minutes 00 seconds West 103.20 feet; thence North 01 degrees 09 minutes 00 seconds East 331.98 feet; thence North 89 degrees 57 minutes 00 seconds East 225.04 feet to the West line of Sundolphin Drive thence along said West line South 01 degrees 09 minutes 00 seconds West 330.00 feet to the point of beginning, subject to easement and restrictions apparent and of record

This ordinance adopted:

Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nayes: None

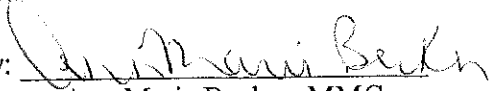
Adoption Date: August 26, 2008

Effective Date: September 13, 2008

First Reading: August 26, 2008

Second Reading: N/A

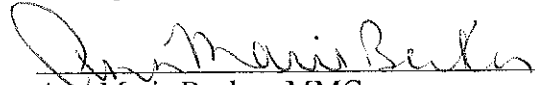
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of 1934 E. Sherman from I-2 to B-4)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of August, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 26, 2008.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on August 26, 2008, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from I-2 "General Industrial" district to B-4 "General Business" district:

That part of the Southeast ¼ of the Southwest ¼ of Section 34, Town 10 North, Range 16 West, City of Muskegon, County of Muskegon, State of Michigan described as: Commencing at the South ¼ corner of said Section; thence along the North and South ¼ line North 01 degrees East 350.00 feet to the North line of Sherman Boulevard; thence along said North line South 89 degrees 57 minutes West 416.00 feet for the point of beginning; thence continuing along said North line South 89 degrees 57 minutes 00 seconds West 121.88 feet; thence continuing along said North line Westerly 103.22 feet along the arc of a 2694.42 foot radius curve to the left of the chord of which bears South 88 degrees 51 minutes 00 seconds West 103.20 feet; thence North 01 degrees 09 minutes 00 seconds East 331.98 feet; thence North 89 degrees 57 minutes 00 seconds East 225.04 feet to the West line of Sundolphin Drive thence along said West line South 01 degrees 09 minutes 00 seconds West 330.00 feet to the point of beginning, subject to easement and restrictions apparent and of record

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published: September 3, 2008

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

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

August 14, 2008

Hearing; Case 2008-17: Request to rezone the front portion of the property located at 1934 E. Sherman Boulevard from I-2, General Industrial District to B-4, General Business District, by Ross E. Pope, Redstone Commercial.

Applicant: Ross Pope, Redstone Commercial

Property Address/Location: 1934 E. Sherman Boulevard

Request: Rezone from I-2, General Industrial to B-4, General Business

Present Land Use: Vacant Industrial Building

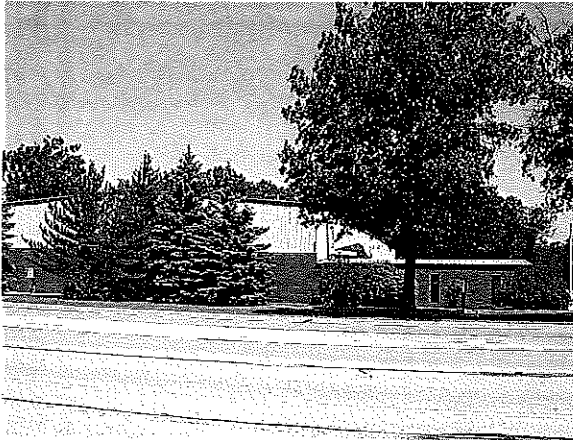
Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The original parcel was over 2 acres in size, but has recently been split and contains 1.71 acres and a large industrial building that previously housed DynaTorque.
2. The applicant is requesting a rezoning from an I-2, General Industrial zone to B-4 General Business zone.
3. The applicant plans to rehab the building as a commercial space that will allow Goodwill to expand into the front portion of the building from across Sundolphin Drive. The rear of the building will be used for storage.
4. The property to the north will remain zoned I-2, General Industrial. The property to the east, south and west is zoned B-4, General Business.
5. The entire parcel was proposed for a rezoning to B-4 in April 2001 and was denied by the Planning Commission. The applicant withdrew the request before it was heard by the City Commission. At that time DynaTorque was still operating in the building as an industrial use and the owners wanted to rezone it for a possible sale in the future, although they had no plans to move at that time. Rezoning at that point would have made DynaTorque a nonconforming use.
6. The Future Land Use Map shows this area as "Industrial", and the property is part of Port City Industrial Park. The Master Plan is over ten years old and many changes have taken place along this corridor since its adoption. This area along Sherman has turned mostly commercial over the years.
7. The property has been split with the remaining 1.04 acres remaining industrial. Since the April 2001 denial of the rezoning, other properties fronting on Sherman have been

rezoned to B-4, such as 1974 E. Sherman, which was also split with the rear portion remaining industrial.

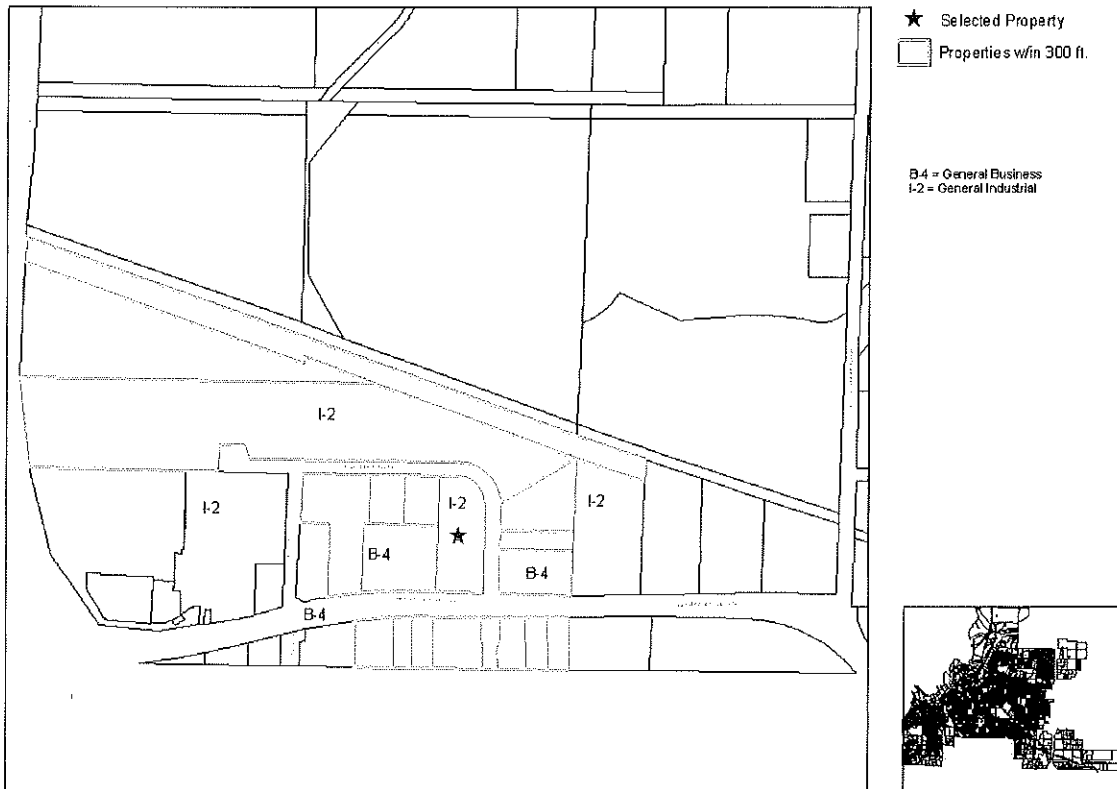
8. Staff has had no comments regarding this request.



Front of the building as seen from Sherman.



Side of the building from across Sundolphin.



STAFF RECOMMENDATION

Staff recommends approval of the request to rezone the subject property from I-2, General Industrial district to B-4, General Business district, because the request conforms to the goals and recommendation of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the front portion of the property located at 1934 E. Sherman Boulevard from I-2, General Industrial district to B-4, General Business district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use and zoning district intent.

Commission Meeting Date: August 26, 2008

Date: August 15, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for properties located at 639 & 623 W.
Clay Avenue and 1236 Eighth Street

SUMMARY OF REQUEST:

Request to rezone the properties located at 639 & 623 W. Clay Avenue and 1236 Eighth Street, from I-1, Light Industrial District to B-3, Central Business District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/10 meeting. The vote was unanimous, with S. Warmington absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2248

An ordinance to amend the zoning map of the City to provide for a zone change for a certain properties from I-1 "Light Industrial" district to B-3 "Central Business" district.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-1 "Light Industrial" district to B-3 "Central Business" district:

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 5 & 6 BLK 322
And
CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 3 & 4 BLK 322
And
CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 7 & 8 BLK 322

This ordinance adopted:

Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

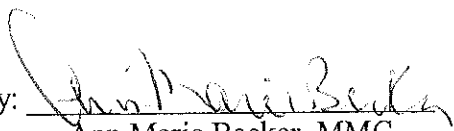
Adoption Date: August 26, 2008

Effective Date: September 13, 2008

First Reading: August 26, 2008

Second Reading: N/A

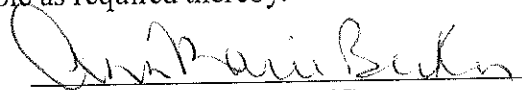
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of 639 & 623 W. Clay and 1236 Eighth from I-1 to B-3)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of August, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 26, 2008.



Ann Marie Becker, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on August 26, 2008, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from I-1 "Light Industrial" district to B-3 "Central Business" district:

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 5 & 6 BLK 322
And
CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 3 & 4 BLK 322
And
CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 7 & 8 BLK 322

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published: September 3, 2008

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

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

August 14, 2008

Hearing; Case 2008-18: Staff initiated request to rezone the properties located at 623 & 639 W. Clay Avenue, and 1236 Eighth Street from I-1, Light Industrial District to B-3, Central Business District.

<u>Applicant:</u>	Planning Staff
<u>Property Address/Location:</u>	623 & 639 W. Clay Avenue and 1236 Eighth Street
<u>Request:</u>	Rezone from I-1, Light Industrial to B-3, Central Business
<u>Present Land Use:</u>	Clay Avenue properties, vacant; 1236 Eighth property, commercial, B-4 use
<u>Zoning:</u>	I-1, Light Industrial

STAFF OBSERVATIONS

1. This is a staff initiated request due to the changing nature of our downtown area away from industrial uses to a more commercial/residential mixed use area.
2. In 2007 a large portion of the downtown area was rezoned from H, Heritage to either B-3, Central Business, or R, One Family Residential.
3. Since the intent has long been to move the industrial uses in the downtown area away from the lakeshore and into industrial parks, it seems to make sense to rezone properties in the downtown to a commercial zone to encourage more central business uses. It also makes sense to buffer the neighboring residential uses and adjacent neighborhoods from the remaining industrial uses until such time that we can also downzone the remaining industrial properties.
4. Presently the building at 623 Clay Avenue is vacant and 639 is a vacant lot, but both could be viable for commercial uses when sold. They are located directly across from the Artworks residential development. The property on Eighth Street abuts residents on both the northeast and southeast, and the current use (auto repair) is also allowed in B-4 zoning and should be encouraged to relocate to that zone.
5. The properties are zoned I-1, Light Industrial, as are the properties to the southwest. Property to the northeast and north (of 1236 8th Street) are zoned R-1, One Family Residential, and to the northwest and northeast (of 639 W. Clay) are zoned B-3, Central Business.
6. Staff has received no comments regarding this case.



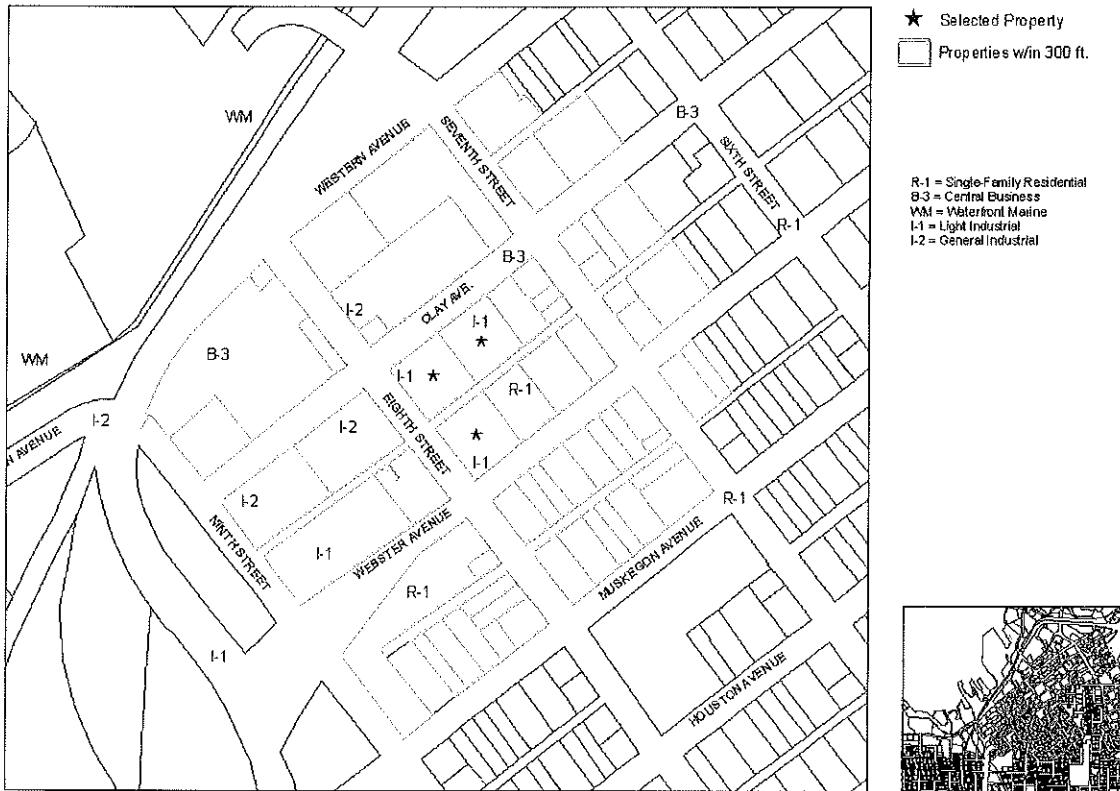
Former Lee's Printing Building, Clay & 8th St.



Vacant lot at 639 W. Clay, ext to Lee's.



Mills Automotive, 1236 Eighth Street.



STAFF RECOMMENDATION

Staff recommends approval of the request to rezone the subject properties from I-1, Light Industrial district to B-3, Central Business, because the request conforms to the goals and recommendation of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**
7. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan.**

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the properties located at 623 & 639 W. Clay Avenue and 1236 Eighth Street from I-1, Light Industrial district to B-3, Central Business district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use and zoning district intent.



Scott A. Musselman
320 Mid Oak
N. Muskegon, MI 49445

August 26, 2008

City Clerk
City of Muskegon
933 Terrace
Muskegon, MI 49440

Via Fax to (231) 724-4178

RE: Zoning change to 1236 Eighth Street

I am writing as the manager of J Crew Company Partnership which holds the land contract on the above referenced property and thereby has a fee interest in such property. It has come to my attention that the City of Muskegon is considering changing the zoning on such property from its current industrial designation.

Please be advised that we object to such a zoning change. Though this property is currently used by Mills Automotive it is unlikely this arrangement will continue. Tenants involved in activities falling in the light industrial classification appear best suited for this site.

Sincerely,


Scott Musselman,
Manager

*C. Commission
Manager
Planning*

Commission Meeting Date: August 26, 2008

Date: August 15, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Height Limit in R-1

SUMMARY OF REQUEST:

Request to amend Section 404, #6 (Area and Bulk Requirements) of Article IV (R, One Family Residential Districts) to allow structures up to 3 stories or 45 feet in height in established Historic Districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to allow structures up to 3 stories or 45 feet in height in established Historic Districts in the R, One Family Residential zoning district.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/10 meeting. The vote was unanimous with S. Warmington absent.

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

August 14, 2008

Hearing; Case 2008-19: Staff initiated request to amend Section 404, #6 (Area and Bulk Requirements) of Article IV, R, One Family Residential Districts, to allow 3-story homes in established historic districts.

BACKGROUND

As you will recall, in 2007 the Planning Commission recommended and City Commission approved the zone changes for the downtown area that was previously zoned "H, Heritage". The area was rezoned to either B-3, Central Business or R, One Family Residential. There has been one unintended consequence to the rezoning of the Clay-Western Historic District which merits a minor change to the ordinance. Under the H zoning, the height limitation was 6 stories. This height was mainly intended for commercial buildings, however it did allow the 3 story homes such as the Emery House, Hackley House, and other 3 story homes in that area. The present R-1 zoning only allow structures up to 2 stories, or 35 feet.

There have been several homes moved from other areas of the City into the downtown Clay-Western Historic District, the most recent being on Muskegon Avenue. There is continued interest in moving homes into that district, particularly onto the lot previously occupied by Victor Sieradzki's house. Other historic districts also tend to be the home for these large 3-story homes, such as Jefferson Street, Terrace Street, etc. In order to allow some of these homes to be preserved or moved, staff believes that a minor modification to the R-1 zoning district height requirement that would allow home of up to 3 stories, or 45 feet is in the best interest of the City.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

(Amendment to Article IV, R, One Family Residential Districts, Section 404, #6: Area and Bulk Requirements.)

6. Height limit: 2 stories or 35 feet. **Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.**

DELIBERATION

I move that the amendment to Section 404, #6, of Article IV, Area and Bulk Requirements, of the City of Muskegon Zoning Ordinance to add amend the height requirements in an R, One Family Residential zoning district, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 2246

An ordinance to amend Section 404, #6 (Area and Bulk Requirements) of Article IV (R, One Family Residential Districts), to allow homes in established Historic Districts to be up to 3 stories or 45 feet in height.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are crossed-out and additions are in **bold**:

6. Height limit: 2 stories or 35 feet. **Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.**

This ordinance adopted:

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nayes: None

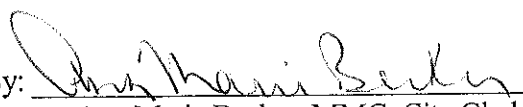
Adoption Date: August 26, 2008

Effective Date: September 13, 2008

First Reading: August 26, 2008

Second Reading: N/A

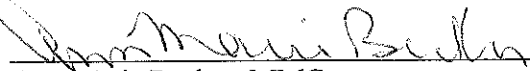
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of August, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 26, 2008.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on August 26, 2008, the City Commission of the City of Muskegon adopted an ordinance to amend Section 404, #6 (Area and Bulk Requirements) of Article IV (R, One Family Residential Districts) adding language to allow an additional homes up to 3 stories or 45 feet in established Historic Districts in the R, One Family Residential District.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published: September 3, 2008.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: August 26, 2008

Date: August 18, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Downtown and Lakeshore Redevelopment Plan – Approval to Distribute to Neighboring Communities

SUMMARY OF REQUEST:

Planning Staff and our consultants at Williams & Works and O'Boyle Cowell Blalock & Associates have completed the Downtown and Lakeshore Redevelopment Plan.

The Michigan Planning Enabling Act requires that once the Plan is completed, the Planning Commission forward it on to the City Commission. The City Commission then approves it for distribution to neighboring cities and townships, Muskegon County, etc., for the 63 days review period.

No resolution is required with this request.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends that the distribution of the Downtown and Lakeshore Redevelopment Plan to neighboring entities be approved for the 63 day review and comment period

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 8/14 meeting. The vote was unanimous with S. Warmington absent. Two changes were suggested by Planning Commission. They are included in the attached memo.

Memorandum

To: Honorable Mayor and City Commissioners
From: Lonna Anguilm, Zoning Administrator
Date: 8/18/2008
Re: Distribution of Downtown and Lakeshore Redevelopment Plan

Planning Staff and our consultants at Williams & Works and O'Boyle Cowell Blalock & Associates have completed the Downtown and Lakeshore Redevelopment Plan.

The Michigan Planning Enabling Act requires that once the Plan is completed, the Planning Commission forward it on to the City Commission. The City Commission then approves it for distribution to entities required by the Act, such as neighboring cities and townships, Muskegon County, etc. Those entities have 63 days to review and comment on the plan. Once that 63-day period expires, the plan comes back to the Planning Commission for a public hearing, and back to the City Commission for final adoption.

The Planning Commission approved the Plan at its August 14, 2008 meeting with two suggested changes. Commissioner Spataro noted that Map 4, Urban Planning Areas, is meant to define the special character of unique districts in the downtown area. Those areas are shown as Lakeshore, Downtown Lakeshore, Core and Historic. Graphic 3 supports Map 4 and illustrates certain furniture to correspond with each of the 4 districts. However, only three districts are listed in Graphic 3: Downtown, Historic and Lakeshore. Commissioner Spataro suggested that this be made clearer.

Commissioner Spataro further commented that he did not believe the downtown area should be fragmented into two or three character districts in an effort to achieve a more cohesive design theme. He suggested possibly using 9th Street as a "dividing line" instead of 4th Street.

Planning Staff recommends that the Plan be approved by the City Commission for distribution as required by the Planning Enabling Act. The changes noted above can be considered once all comments are received and the plan is brought back to Planning Commission and City Commission for final approval.

Date: 08/19/08

To: Honorable Mayor and City Commission

From: Department of Public Works

RE: Meter Reading Radio Equipment Purchase

SUMMARY OF REQUEST: Approval to purchase 700 MXU Radio Transceiver units. Currently the City manually reads residential meters and is in the process of retrofitting outside meter (meter pit) installations to radio read. The above purchase will begin the process of retro fitting inside meter installations to radio read technology.

FINANCIAL IMPACT: Total Cost \$ 77,000.00

BUDGET ACTION REQUIRED: None: The 2008 Water Maintenance Budget Includes Funding for this purchase.

STAFF RECOMMENDATION: To approve purchase from ETNA SUPPLY.

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Department of Public Works
RE: Adoption of the *Michigan Small Harbors Coalition*
Resolution.

SUMMARY OF REQUEST:

To approve the attached resolution in support of the MSHC (*Michigan Small Harbors Coalition*), and to appoint the Director of Public Works, or his designee, to represent the City of Muskegon with matters concerning the MSCH.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Approve the attached resolution and authorize the mayor & clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

To: Bob Kuhn, Director of Public Works
From: Kevin Santos, Harbor Master
CC: Kelly DeFrench, Superintendent of Public Works
Date: August 18, 2008
Re: **Understanding and Support of the Michigan Small Harbors
Coalition Resolution**

The *Michigan Small Harbors Coalition* (MSHC) is an alliance focusing on increasing funding for the care and maintenance, e.g. dredging, of all Michigan's federally authorized navigable waterways and public navigation infrastructures. "Small Harbors" refers to any port in Michigan that needs federal dollars to maintain navigable waterways, such as Muskegon Lake. The MSHC believes the federal competitive allocation process, or earmarks, by which funding is appropriated to harbors and ports of refuge, is flawed and has resulted in misappropriation of existing funds.

Although Muskegon received a proportional share of funding in the past to sustain our dredging needs, the process by which those funds are distributed is unpredictable and unstable. The goal of MSHC is not to reallocate funds from one harbor to another, but to affect the process in a positive and proportionate way; thereby allowing socioeconomic and public safety needs to influence the distribution of funds, rather than political considerations. In doing so, all Michigan harbors could achieve fair and sustainable means by which to promote safety, economic viability and quality of life.

By adoption of this resolution and appointment of a delegate, the City of Muskegon would be supporting a regional collaboration between the MSHC and a number of harbor advocacy groups, with the goal of securing available funds for all of Michigan's federally authorized navigable waterways. This resolution has been adopted by more than 20 harbor communities, including the commercial ports of Charlevoix, Roger City, and Alpena, and is supported by the Michigan Boating Industries Association, the U.S. Corps of Engineers, Michigan Sea Grant, the Great Lakes Commission, and Senators Carl Levin and Debbie Stabenow.

August 15, 2008

To: Muskegon City Commission;

Thank you for your consideration of the Michigan Small Harbors Coalition (MSHC) and of signing the Resolution of Support for the Coalition.

The Vision, Mission, and Resolution of Support for the MSHC are contained in our website www.miseagrant.umich.edu/harbors. These documents defining the Coalition were debated and unanimously approved by over sixty attendees at our meeting in April of this year. The website also contains briefings on the three meetings that have formulated the MSHC's progress to date.

The MSHC is a group representing harbors from around the State (and potentially Great Lakes wide) where the issues of dredging and navigation infrastructure maintenance are of particular concern. Boat groundings, life endangerment, damage to local economies, light loading by commercial carriers, massive backlog of projects, and dramatic deterioration of our navigation infrastructure have all resulted from a lack of sufficient funds needed to meet the Federal Government's responsibility to maintain the harbors. Further, much of the funding is through "earmarks", a process that speaks of "corruption", "pork", and "waste" to anyone other than our harbors. Even our harbors categorized as "commercial" by the USACE and supposedly funded by the Federal Harbor Maintenance Trust Fund have to rely on "earmarks" due to overall inadequate funding—this despite the present balance in the Trust Fund of \$4.1 billion and growing each year. As James Weakley, President of the Lake Carrier Association, says, "It is time to put the 'trust' back in the 'Harbor Maintenance Trust Fund' and to at least provide funding to harbors equal to the taxes collected each year from the value of goods shipped (last year the fund collected \$1.4 billion in taxes and paid-out just over \$700 million to maintain the Nation's Federally authorized harbors.)

The Coalition's mission and goals are to work with the Administration, Congress, USACE, and State entities to change the present inadequate and broken funding process of "earmarks" and to establish an equitable, sustainable, needs based annual appropriations process. Such a process should maintain boater and carrier access and safety in our collective harbors. The Coalition's efforts to work with representatives of Congress, the USACE and others are being met with support, encouragement, and general agreement, that the "budget process is broken" and needs change.

To effect this change, our over 50 small harbors (commercial and shallow draft) need to stand united in pursuit of a fair and adequate harbor maintenance funding process.

The Coalition, with the technical support of Sea Grant, Great Lakes Commission, and the Michigan Boating Industries Association, has presently received signed Resolutions of Support from 21 harbor communities and advocate organizations. Further, another 19 harbor communities (for a total of 40) have indicated they will submit their Resolutions of Support before the next MSHC meeting on September 30 in Bay City.

The MSHC appreciates your consideration in joining the other Michigan harbors in signing the Resolution of Support and in appointing a delegate to represent your interest as the Coalition moves forward with its Mission. If I can help in any way with your decision to support the Coalition, please feel free to contact me (cmay08@charter.net or (231) 889-5607. Further, if in doubt about the appropriateness of Muskegon joining the Coalition, I encourage you to talk to your contacts in the USACE or Congressional Offices.

I look forward to your Resolution of Support and to working with your representative/delegate at the meeting on September 30, 2008.

Sincerely,

Chuck May, Chair Pro Tem
Michigan Small Harbors Coalition

City of Muskegon

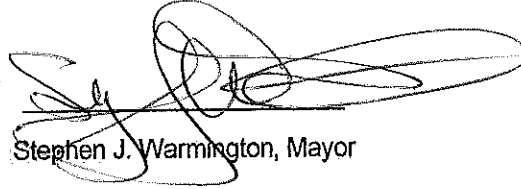
2008-74(i)

Resolution Supporting the Michigan Small Harbors Coalition

- **Whereas**, there are more than 50 federally authorized small Great Lakes harbors in Michigan, more than all the other Great Lakes states combined; and
- **Whereas**, the federal government is responsible for maintaining boater access to these harbors through adequate dredging and maintenance of navigation infrastructure (hereinafter referred to as maintenance); and
- **Whereas**, small harbors perform other valuable functions such as ports of refuge during inclement weather, ports for U.S. Coast Guard rescue stations, ports for law enforcement, ports for commercial fleets, ports for Great Lakes research vessels, and ferry terminals; and
- **Whereas**, many of the 50 federally authorized small harbors in Michigan require regular maintenance because of natural sedimentation, low water levels, storm events, and littoral drift, among other factors; and
- **Whereas**, longstanding federal policy prevents the U.S. Army Corps of Engineers from allocating funds for the maintenance of small harbors in its operation and maintenance budget for the Great Lakes, thus forcing these harbors to seek Congressional assistance or "earmarks" to secure funds for maintenance; and
- **Whereas**, this inefficient, inequitable system has resulted in maintenance backlogs that have hindered, or in some cases totally blocked, access to Michigan small harbors, causing significant economic loss and increased risk to human health and safety; and
- **Whereas**, small harbors in Michigan have not, to date, had an organization through which to unite and speak with one voice to address concerns about maintenance and other shared interests to federal and state agencies;
- **Therefore be it resolved** that the City of Muskegon supports and commits to being a member of the Michigan Small Harbors Coalition; and
- **Be it further resolved** that the City of Muskegon urges the Michigan Small Harbors Coalition to advocate for a more equitable, sustainable, needs-based system to allocate funds for adequate maintenance of small Great Lakes harbors in Michigan.

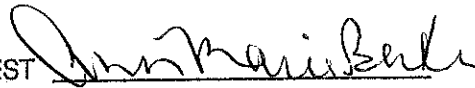
Adopted this 26th day of August, 2008.

BY



Stephen J. Warmington, Mayor

ATTEST

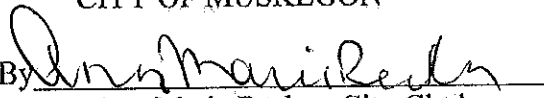


Ann Marie Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on August 26, 2008. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By 
Ann Marie Becker, City Clerk

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Transfer Request
Baker College of Muskegon
336 W. Clay

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Baker College of Muskegon to transfer ownership of the 2008 Class C Licensed Business with Entertainment Permit, located in escrow at 40 E. Norton, Muskegon Heights from L & S Grille, Inc., and transfer location to 336 W. Clay and request a new Dance Permit and new Outdoor Service – 1 Area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
KEITH W. COOLEY, DIRECTOR

RECEIVED

SEP 24 2008

NIDA R. SAMONA
CHAIRPERSON

DATE: September 19, 2008
REQ # 471842

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

Local Governing Body:

This is with reference to BAKER COLLEGE OF MUSKEGON's request to transfer ownership of 2008 Class C licensed business, located in escrow at 40 E. Norton, Muskegon Heights MI 49444, Muskegon County from L & S Grille, Inc.; transfer location (governmental unit) (MCL 436.1531(1) to 336 W. Clay, Muskegon MI 49442, Muskegon County; request new Dance Permit.

Please be advised that we have received local resolution.

However, the resolution is not acceptable as it contains an incorrect zip code. Please note that the correct zip code is 49442.

We request that you complete and sign the enclosed resolution and return it to this office as soon as possible.

Mail your response to:

**MICHIGAN LIQUOR CONTROL COMMISSION
LICENSING DIVISION
P.O. BOX 30005
LANSING, MICHIGAN 48909-7505**

If you have any questions, please call the Licensing Division, On Premise Section at (517) 636-4634.

ljt
Enclosure



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

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 471842

Business ID # 209718

September 19, 2008

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

APPLICANT: BAKER COLLEGE OF MUSKEGON

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

Contact: Colin M. Linsenman, Simen, Figura & Parker, PLC, Gateway Financial Centre, Suite 200,
5206 Gateway Centre, Flint MI 48507 (810) 235-9000

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**

RESOLUTION

At a Regular 2008-74(j) meeting of the City Commission
 (Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on August 26, 2008 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Gawron

That the request to transfer ownership of 2008 Class C licensed business located in escrow at 40 E. Norton, Muskegon Heights MI 49444, Muskegon County from L & S Grille, Inc. to BAKER COLLEGE OF MUSKEGON; request to transfer location (governmental unit) (MCL 436.1531(1) to 336 W. Clay, Muskegon MI 49442, Muskegon County; request new Dance 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 August 26, 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)

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

RESOLUTION

2008-74(j)

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

called to order by Mayor Warmington on August 26, 2008 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Vice Mayor Gawron

That the request from Baker College of Muskegon to transfer ownership of 2008 Class C Licensed Business with Entertainment Permit, located in escrow at 40 E. Norton, Muskegon Heights, MI 49444, Muskegon County, from L & S Grille, Inc.; Transfer Location (Governmental Unit) (MCL 436.1531(1) to 336 W. Clay, Muskegon, MI 49440, Muskegon County; and request a New Dance Permit, and request New Outdoor Service-
¹ Area be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on August 26, 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)



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

August 4, 2008

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 336 W. Clay
Transfer of 2008 Class C Licensed Business

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for a liquor license transfer investigation from applicant Baker College of 1903 Marquette, Muskegon, MI.

Baker College of Muskegon is requesting to transfer ownership of 2008 Class C licensed business with Entertainment Permit, located in escrow at 40 E. Norton, Muskegon Heights, Mi. from L&S Grille, Inc. to 336 W. Clay and requests a new Dance Permit and new Outdoor Service – 1 Area.

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

ALK/kd



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

471842
7-23-08
FAN

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

May 30, 2008

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

Request ID #: 471842

Applicant:

~~BOARD OF TRUSTEES OF~~ BAKER COLLEGE OF MUSKEGON REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 40 E. NORTON, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM L & S GRILLE, INC.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1)) TO ~~1000 MARQUETTE~~, MUSKEGON, MI 49442, MUSKEGON COUNTY; AND REQUESTS A NEW DANCE PERMIT. *336 W. CLAY* AND REQUEST NEW OUTDOOR SERVICE AREA.

CONTACT: (SIMEN, FIGURA & PARKER, PLC), ATTENTION ATTORNEY COLIN M. LINSSENMAN, GATEWAY FINANCIAL CENTRE, SUITE 200, 5206 GATEWAY CENTRE, FLINT, MI 48507 (810)235-9000

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

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

RECEIVED

AUG 04 2008

MUSKEGON POLICE DEPT.
CHIEF of POLICE

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 8-4-08

Re: Liquor License Transfer

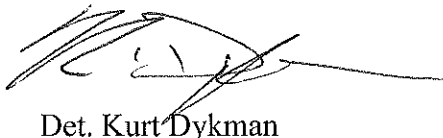
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Baker College of Muskegon.

Baker College of Muskegon is requesting to transfer ownership of 2008 Class C licensed business with Entertainment Permit, located in escrow at 40 E. Norton, Muskegon Heights, Mi. from L&S Grille, Inc. to 336 W. Clay and requests a new Dance Permit and new Outdoor Service – 1 Area.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal line extending to the right.

Det. Kurt Dykman



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

471842
7-23-08
7154

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

May 30, 2008

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

Request ID #: 471842

Applicant:

~~BOARD OF TRUSTEES OF~~ BAKER COLLEGE OF MUSKEGON REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 40 E. NORTON, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM L & S GRILLE, INC.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO ~~4000 MARQUETTE~~ MUSKEGON, MI 49442, MUSKEGON COUNTY; AND REQUESTS A NEW DANCE PERMIT. **336 W. CLAY**
AND REQUEST NEW OUTDOOR SERVICE - 1 AREA.

CONTACT: (SIMEN, FIGURA & PARKER, PLC), ATTENTION ATTORNEY COLIN M. LINSSENMAN, GATEWAY FINANCIAL CENTRE, SUITE 200, 5206 GATEWAY CENTRE, FLINT, MI 48507 (810)235-9000

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

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs



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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 471842

Business ID # 209718

7-23-08 TUSA

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

~~BOARD OF TRUSTEES OF BAKER COLLEGE~~ REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 40 E. NORTON, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM L & S GRILLE, INC.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO ~~1903 MARQUETTE~~, MUSKEGON, MI 49442, MUSKEGON COUNTY; AND REQUESTS A NEW DANCE PERMIT. 336 W. CLAY AND NEW OUTDOOR SERVICE AREA.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
~~BOARD OF TRUSTEES OF BAKER COLLEGE OF MUSKEGON~~
C 1050 WEST BRISTOL ROAD 1903 MARQUETTE
FLINT, MI 48507 MUSKEGON MI 49442

APPLICANT #2:

DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED

DATE FINGERPRINTED:

DATE OF BIRTH:
Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

DATE OF BIRTH:
Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

*Does the applicant have a Visa? Enter status:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☒ Yes, complete LC-1636

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

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

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

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

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No
3. Should the Commission grant this request? ☒ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

X J. L. Schuler
Signature (Sheriff or Chief of Police)

8-4-08
Date

MUSKEGON POLICE DEPARTMENT



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 # 471842

Business ID # 209718

7-23-08 TKA

May 30, 2008

TO: *MUSKEGON POLICE DEPARTMENT*

Re: ~~BOARD OF TRUSTEES OF~~ BAKER COLLEGE OF MUSKEGON

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.

Sundays _____ A.M. to _____ A.M./P.M.

☐ 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.

Sundays _____ A.M. to _____ A.M./P.M.

☐ 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

☐ TOPLESS ACTIVITY PERMIT

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

471842
7-23-08
71414

☒ OUTDOOR SERVICE

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

☐ PARTICIPATION PERMIT

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

☐ ADDITIONAL BAR PERMIT

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

☐

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

Signed:

Anthony L. Kleibeecken

Signature and Title

DIRECTOR OF PUBLIC SAFETY

ANTHONY L. KLEIBEECKEN

Print Name and Title

DIRECTOR OF PUBLIC SAFETY

MUSKEGON POLICE DEPARTMENT

Date: 8-4-08

sfs

Baker College of Muskegon and Fremont
1903 Marquette Avenue, Muskegon, MI 49442-1490
Telephone (231) 777-5247
Cell (231) 557-2160
Fax (231) 777-5263



Rick E. Amidon, Ph.D.
President/CEO
email: rick.amidon@baker.edu

KURT -

THIS LOCATION SHOULD BE
GREAT. CALL IF YOU HAVE
ANY CONCERNS.

TOM HEALY, MLCC
616-490-0742.

LIQUOR LICENSE REVIEW FORM

Business Name: Baker College of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 336 W Clay
Muskegon, MI

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 Outdoor Service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Baker College of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 336 W Clay
Muskegon, MI

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 Outdoor Service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Baker College of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 336 W Clay
Muskegon, MI

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 Outdoor Service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Approval based on site
inspection

Department Signature Mari Niteley

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Baker College of Muskegon

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 336 W Clay
Muskegon, MI

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 Outdoor Service

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office

August 28, 2008

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

REF: Req ID #471842
Baker College of Muskegon
336 W. Clay
Muskegon, MI 49440

To Whom It May Concern:

Enclosed are Form LC-1800, LC-1636, and resolution from the City Commission for Baker College of Muskegon. This was recommended for approval by the City Commission at their August 26, 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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the back so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

1. Article Addressed to:

Liquor Control Comm
7150 Harris
PO Box 30005
Lansing, MI 48909-7

2. Article Number
(Transfer from service label)

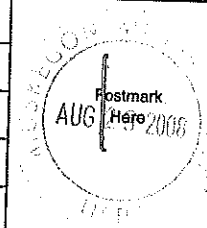
PS Form 3811, February 2004

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.00
City Clerk Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.90



Sent To: LCC
Street, Apt. No., or PO Box No.: (ret Baker college of Muskegon 333 W Clay)
City, State, ZIP+4: _____

PS Form 3800, June 2002
Domestic Return Receipt

See Reverse for Instructions



MUSKEGON CAMPUS - 1903 MARQUETTE AVE - MUSKEGON MI 49442-1490 - (231) 777-5233

Check No. 203093

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	INVOICE AMOUNT
20080826	8/26/2008	STATE LIQUOR CONTROL COMMISSION 03070 REFERENCE# 474354 BAKER COLLEGE OF MUSKEGON	250.00
TOTAL			\$250.00

XXXXXXXXXXXXXXXXXXXX
 YOUR RECEIPT
 THANK YOU
 CALL AGAIN
 XXXXXXXXXXXXXXXXXXXX
 LIQUOR 250.00
 ITEM CT 1
 CHECK
 250.00
 12:04PM 08-26-2008
 9361 LINDA

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW



Muskegon Campus
 1903 Marquette Ave
 Muskegon MI 49442-1490
 (231) 777-5233

99
 720

Check No. 203093

DATE	PAY THIS AMOUNT
2008/08/26	\$250.00

VOID AFTER 90 DAYS

PAY **TWO HUNDRED FIFTY AND 00/100 DOLLARS

TO
 THE
 ORDER
 OF

CITY OF MUSKEGON
 ATTN: LINDA
 933 TERRACE ST
 MUSKEGON MI 49440-1348

Comerica Bank
 Detroit, MI

BAKER COLLEGE

Rene A. Anderson

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING

203093 0720000961 1851832020

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement
Sidewalk Encroachment – 1965 Lakeshore Drive

SUMMARY OF REQUEST:

William Gibner LLC RPH has submitted the attached encroachment agreement form requesting your permission approve the three (3) inch encroachment that has been created by the installation of each of the four (4) column bases (in the fence design) in front of the Lakeside Landing Building

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement with supplemental conditions and compliance with required insurance coverage.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
ENCROACHMENT PERMIT AGREEMENT

REQUEST: A one-hundred dollar (\$100.00) non-refundable fee is required for processing of request.

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as: (Attach exhibits) (1 unit equals 0-99 lineal feet)

Four columns, the stone veneer bases of which encroach
three (3) inches on to the city sidewalk at 1965 LAKESHORE DRIVE.
See attachments A₁ + B + A₂

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as: [please insert a general description, and if required by the CITY, an accurate legal description]

The sidewalk in front of 1965 LAKESHORE DRIVE.

3. The CITY is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under Chapter 74 of the Code of City Ordinances, and with all future amendments shall apply to any encroachment on public right of way or property.

PERMIT AGREEMENT:

THIS AGREEMENT is made and entered into this 26th day of August 2008, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and William
Gibner LLC RPH (hereinafter called LICENSEE).

THEREFORE,

1. CITY does hereby grant unto LICENSEE the privilege of constructing, installing, maintaining, repairing and performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term herein stated. This privilege shall be effective upon the delivery to the CITY of the required evidence of insurance coverage as outlined in paragraph 4 under this section and only after approval of this agreement by the City Commission and at which time an encroachment permit will be issued.

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

2. That LICENSEE shall pay to the CITY for the privilege hereby granted the sum of _____ Dollars (\$ _____), per unit as described under Request, paragraph 1, applicable to the current Master Fee Resolution. Such payment is to be made upon the signing of this agreement to the City of Muskegon, and the privilege hereby granted shall continue for a period of five years from said date and renewal payment as set in the Master Fee Resolution to continue in five year intervals due on the first day of May unless sooner terminated as hereinafter provided.

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

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to CITY, and issued by companies acceptable to the CITY, licensed in the State of Michigan, naming CITY as an additional insured on any such policy. LICENSEE will file yearly with the CITY certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the CITY shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits as required by City Engineer shall be as follows:

5. BONDING. Before this agreement permit becomes valid, LICENSEE shall file with the CITY a bond conforming to the requirements of all applicable ordinances, and to cover removal of said encroachment in part or whole, if essential for CITY to do so. This Bond shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked in part or whole by the CITY at any time upon giving said LICENSEE thirty (30) days of written notice of such cancellation and revocation, with no refund of the fee required in paragraph 2 of Permit Agreement.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the CITY thirty (30) days prior to such surrender with no refund of the fee required in paragraph 2 of Permit Agreement; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the CITY, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in

a manner satisfactory to the CITY and in default thereof shall be liable to the CITY for any cost, damage or expense the CITY may sustain in such restoration.

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

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

Witnesses:

Linda Potter
Linda Potter

Helen Wilcox
Helen Wilcox

CITY OF MUSKEGON

By

Stephen J. Warming Mayor

And

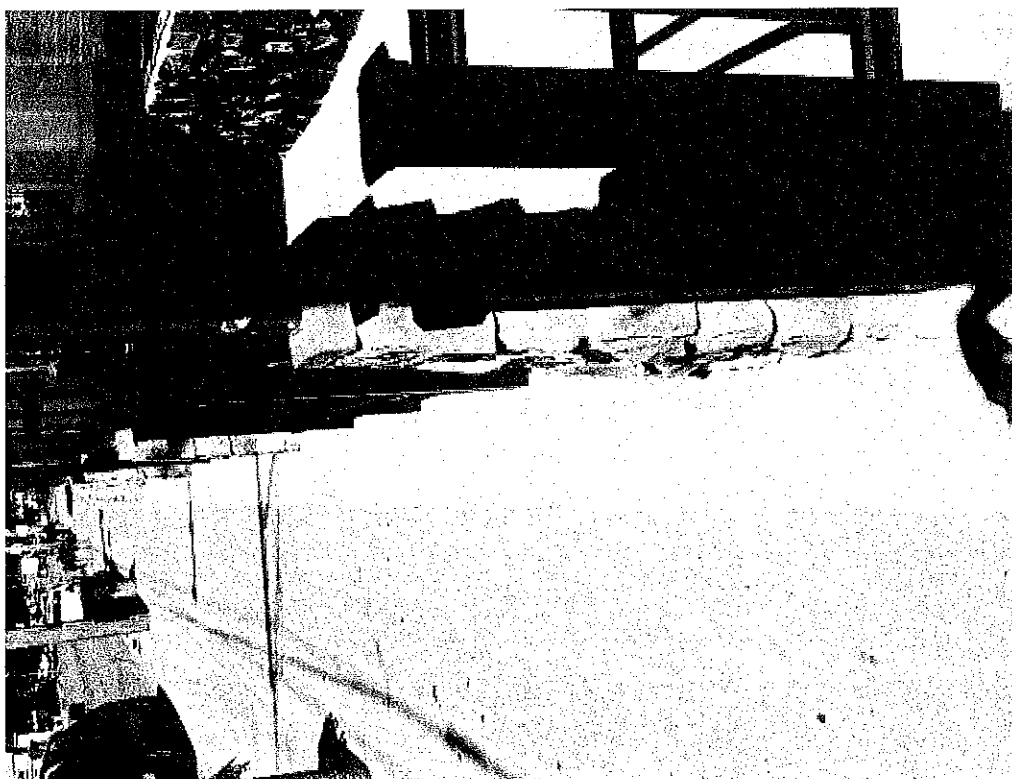
Ann Marie Becker
Ann Marie Becker, Clerk

LICENSEE:

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall, within a reasonable time, be fully responsible for the maintenance of the columns and any removal or relocation that becomes necessary to facilitate other public improvements within the right of way.
- 2- Grantee will be responsible for the maintenance and upkeep, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- Insurance: LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to the City. The provision for liability insurance set forth shall remain in full force and effect in lieu of any other insurance requirement, provided that the City shall be given thirty (30) days written notice before a change in coverage may occur.
- 4- The City and/or its agent are not responsible for any damage to the facilities.

"B"



LAKE SHORE

(66' R.C

4
A2

NOTE: COLUMN BASE ENCROACHES
3' ON TO SIDEWALK

EXIS

66'-0"

EXISTING SIDEWALK

PROPERTY LINE 66.0'

P.P.



F.H.

NEW

RAMP DOWN

RAMP DOWN

NEW

C.B.

LOT 5

PARCEL # 24-205-627-00

ZONE B2

EXISTING 1 S'
FORMALLY

EXIS

WILLIAM J. GIBNER LLC, RPH
2125 W. GLEN CT.
MUSKEGON, MI 49441

2345

74-1394/724

8-12-08

Date

CHARLAND PRESTIGE

Pay to the
Order of

City of Muskegon
De Michael

\$ 100.00

Dollars



Security
Features
Details on
Back

COMMUNITY
SHORES BANK

MUSKEGON, MI 49441

For

Expenditure

[Signature]

MP

⑆072413942⑆ 0000004129⑈

2345

XXXXXXXXXXXXXXXXXXXX
YOUR RECEIPT
THANK YOU
CALL AGAIN
XXXXXXXXXXXXXXXXXXXX
ENCLOSURE
100.00
ITEM CT 1
CHECK
100.00
10-15-2008-21-2008
9553 LINDA

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Easement to Consumer Energy on Walton between Jefferson & Terrace.

SUMMARY OF REQUEST:

Authorize the City Manager to execute the attached easement agreement granting Consumer Energy the rights to enter the vacated section of Walton for the purpose as described in the aforementioned agreement.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize the City Manager to sign the attached agreement

COMMITTEE RECOMMENDATION:

EASEMENT FOR UNDERGROUND ELECTRIC LINE

Form 468 9-2006
Tax Code: 616029

Parties: "Owner" is City of Muskegon

Owner's address is 933 Terrace St., Muskegon, MI 49443

"Consumers" is CONSUMERS ENERGY COMPANY, a Michigan corporation. Consumers' address is One Energy Plaza, Jackson, Michigan 49201.

Grant of Easement: For good and valuable consideration, Owner grants Consumers a permanent easement for underground electric line in, on, under, and across a portion of "Owner's Land," called the "Easement Area." Owner's Land is in the City of Muskegon, County of Muskegon, and State of Michigan and is described in the attached Exhibit A. The Easement Area is within Owner's Land and is described in the attached Exhibit B.

Purpose: The purpose of the easement is to grant Consumers the right to enter Owner's Land to construct, operate, inspect, maintain, replace, improve, remove, and enlarge an underground electric line in the Easement Area. The underground electric lines may consist of underground cables (including fiber-optic cable), conduits, wires, conductors, subsurface junction vaults, surface-mounted transformers and enclosures, and other equipment for transmitting and distributing electrical energy and communications signals.

Trees and Other Vegetation: Consumers shall have the right from time to time hereafter to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation, whether inside or outside the Easement Area, that Consumers believes may interfere with the construction, operation, and maintenance of the underground electric line or lateral lines.

Buildings/Structures: Owner shall not: 1) locate any buildings, structures, septic systems, drain fields, ponds, or swimming pools within the Easement Area, 2) plant any trees within the Easement Area, or 3) change the ground elevation within the Easement Area. If Owner violates this provision, Owner shall reimburse Consumers for any expenses Consumers incurs correcting the violation. If Consumers corrects the violation by relocating the electric line or lateral line on Owner's Land, this easement shall automatically apply to such relocated line.

Exercise of Easement: Consumers' nonuse or limited use of this Easement shall not preclude Consumers' later use of this Easement to its full extent.

Successors: This easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Date: 9-2-2008

Owner: City of Muskegon

Bryon Mazade
Bryon Mazade, City Manager

Acknowledgment

The foregoing instrument was acknowledged before me in Muskegon County, Michigan,
on September 2, 2008 by Bryon Mazade, City Manager of the City of Muskegon, on
Date
Behalf of the city.

Linda Potter
Linda Potter Notary Public
Muskegon County, Michigan
Acting in Muskegon County
My Commission expires: 9-25-2012

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

Prepared By: Michael L. Friend
Consumers Energy Company
Muskegon Service Center
231-728-8613

After recording, return to:
Robert M Bacon, EP7-451
Business Services
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

VACATED WALTON STREET BETWEEN JEFFERSON STREET AND SANFORD STREET, BLOCK 359 OF REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, ACCORDING TO THE RECORDED PLAT THEREOF IN MUSKEGON COUNTY RECORDS, SECTION 19, T10N, R16W.

EXHIBIT B

Easement Area

The SOUTH 12 FEET of Owner's Land.

Michael L. Rolf
Thomas H. Thornhill
George W. Johnson
W. Brad Groom
Eric R. Gielow
John C. Schrier
Christopher L. Kelly
Linda S. Kaare
James R. Scheuerle
William J. Meier
Keith L. McEvoy
Anna Urick Duggins
Scott M. Knowlton

PARMENTER O'TOOLE

Attorneys at Law

601 Terrace Street ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

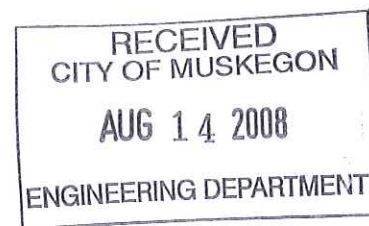
Jeffery A. Jacobson
Nancy Ann Hornacek
Adam G. Zuwerink
Douglas J. Winkle
Michelle R. Heckman
Kathryn H. Leonard
Rachel L. Terpstra

Of Counsel
Thomas J. O'Toole
Eric J. Fauri
John M. Briggs, III
Michael M. Knowlton

George A. Parmenter, 1903-1993

August 13, 2008

Mohammed Al-Shatel
Director – Engineering
City of Muskegon
933 Terrace Street
Muskegon, MI 49442



Re: Vacation of Walton Street

Dear Mo:

Enclosed please find the revised Easement Agreement containing the correct spelling of Bryon Mazade's name.

Very truly yours,

Michelle R. Heckman
Direct & Fax: (231) 722-5403
mrh@parmenterlaw.com

Enclosure

cc: Bryon Mazade (w/enclosure)
JCS (ltr only)

09/09/2008

09:27A

RECEIPT # 158374

MARK F. FAIRCHILD, Register of Deeds
Michael E. Kobza, Hall of Justice
Muskegon County, Michigan

FROM : CITY OF MUSKEGON
BY : ROD1

FILE NO.: 5291315 # Pgs: 3

BOOK/PAGE: 3790/393

09:27A

Doc.: (034) ROW/EASEMENT 20.00

TOTAL RECORDING FEE -----> 20.00

AMOUNT (Cash) RECEIVED -----> 20.00

CHANGE -----> 0.00

*** RECEIPT ***

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids for:
B-233 MUSKETAWA TRAIL CONNECTOR CORRIDOR
(PHASE I)

SUMMARY OF REQUEST:

Award Phase I of the Musketawa Trail Connector contract to Thompson Brothers, Inc. out of Muskegon MI since they were the lowest responsible bidder with a total bid price of \$140,321.22 see attached bid tabulation.

Furthermore; it is requested that the award be contingent upon securing funding from MDNR and permission from MDOT to relocate the fence along the west side of Industrial Blvd.

FINANCIAL IMPACT:

The construction cost of \$140,321.22 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None; the bulk of the cost is expected through MDNR grant as well as Wege Foundation along with \$30,000 of City street funds.

STAFF RECOMMENDATION:

Award the contract to Thompson Brothers, Inc.

COMMITTEE RECOMMENDATION:

B-233 MUSKETAWA SHORELINE TRAIL CONNECTOR CORRIDOR

BID TABULATION - 08/20/2008

		CONTRACTOR		THOMPSON BROTHERS, INC.		WOOD TRUCKING		MCCORMICK SAND, INC.		TRIANGLE EXCAVATORS, INC.		RIVERTOWN CONTRACTORS INC.		FELCO CONTRACTORS, INC		DAN HOE EXCAVATING		BRENNER EXCAVATING		JARAN CONSTRUCTION, INC.***	
		ADDRESS		388 W. MCMILLAN RD.		856 PULASKI AVE.		5430 RUSSELL RD.		581 OTTAWA AVE., SUITE 1A		608 QUINCY ST. SW		856 PULASKI AVE.		13664 ROCKY'S RD		2841 132ND AVE.		2745 ALYSSA LANE	
		CITY/ST/ZIP		MUSKEGON, MI 49445		MUSKEGON, MI 49441		TWIN LAKE, MI 49457		HOLLAND, MI 49423		GRANDVILLE, MI 49418		MUSKEGON, MI 49441		HOLLAND, MI 49424		HOPKINS, MI 49328		ALLEGAN, MI 49010	
ITEM OF WORK		UNIT	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization, \$20,000 Max	LS	1	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00	\$ 16,980.00	\$ 16,980.00	\$ 15,900.00	\$ 15,900.00	\$ 10,000.00	\$ 10,000.00	\$ 300.00	\$ 300.00	\$ 14,970.00	\$ 14,970.00	\$ 10,365.00	\$ 10,365.00	\$ 17,500.00	\$ 17,500.00
2	Contractor Staking	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,600.00	\$ 1,600.00	\$ 7,500.00	\$ 7,500.00	\$ 1,700.00	\$ 1,700.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00	\$ 3,100.00	\$ 3,100.00
3	Remove Curb and Gutter	Ft	10	\$ 20.00	\$ 200.00	\$ 20.00	\$ 200.00	\$ 25.00	\$ 250.00	\$ 20.00	\$ 200.00	\$ 6.00	\$ 60.00	\$ 20.00	\$ 200.00	\$ 20.00	\$ 200.00	\$ 16.00	\$ 160.00	\$ 20.00	\$ 200.00
4	Pavement Removal	Syd	10	\$ 20.00	\$ 200.00	\$ 20.00	\$ 200.00	\$ 15.00	\$ 150.00	\$ 15.00	\$ 150.00	\$ 36.00	\$ 360.00	\$ 20.00	\$ 200.00	\$ 25.00	\$ 250.00	\$ 16.00	\$ 160.00	\$ 50.00	\$ 500.00
5	Embankment, CIP	Cyd	6	\$ 15.00	\$ 90.00	\$ 30.00	\$ 180.00	\$ 20.00	\$ 120.00	\$ 20.00	\$ 120.00	\$ 15.00	\$ 90.00	\$ 20.00	\$ 120.00	\$ 10.00	\$ 60.00	\$ 26.00	\$ 156.00	\$ 100.00	\$ 600.00
6	Earth Excavation	Cyd	100	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 0.10	\$ 10.00	\$ 4.00	\$ 400.00	\$ 15.00	\$ 1,500.00	\$ 16.00	\$ 1,600.00	\$ 8.00	\$ 800.00	\$ 10.00	\$ 1,000.00	\$ 25.00	\$ 2,500.00
7	Station Grading, Modified	Sta	34	\$ 600.00	\$ 20,400.00	\$ 550.00	\$ 18,700.00	\$ 486.76	\$ 16,549.84	\$ 600.00	\$ 20,400.00	\$ 375.00	\$ 12,750.00	\$ 800.00	\$ 27,200.00	\$ 550.00	\$ 18,700.00	\$ 1,000.00	\$ 34,000.00	\$ 1,500.00	\$ 51,000.00
8	Aggregate Base, 4" (21AA)	Syd	5198	\$ 3.50	\$ 18,193.00	\$ 3.60	\$ 18,712.80	\$ 3.81	\$ 19,804.38	\$ 3.60	\$ 18,712.80	\$ 3.80	\$ 19,752.40	\$ 3.50	\$ 18,193.00	\$ 5.00	\$ 25,990.00	\$ 4.00	\$ 20,792.00	\$ 1.35	\$ 7,017.30
9	Aggregate Base, 8" (21AA)	Syd	37	\$ 7.00	\$ 259.00	\$ 10.00	\$ 370.00	\$ 7.00	\$ 259.00	\$ 7.00	\$ 259.00	\$ 5.00	\$ 185.00	\$ 19.00	\$ 703.00	\$ 11.00	\$ 407.00	\$ 7.00	\$ 259.00	\$ 27.03	\$ 1,000.11
10	Culv, CPE, CI A, 12 inch	Ft	25	\$ 20.00	\$ 500.00	\$ 25.00	\$ 625.00	\$ 25.00	\$ 625.00	\$ 30.00	\$ 750.00	\$ 22.00	\$ 550.00	\$ 35.00	\$ 875.00	\$ 23.00	\$ 575.00	\$ 20.50	\$ 512.50	\$ 50.00	\$ 1,250.00
11	Culv, End Section, CPE, 12 inch	Ea	2	\$ 175.00	\$ 350.00	\$ 250.00	\$ 500.00	\$ 140.00	\$ 280.00	\$ 150.00	\$ 300.00	\$ 250.00	\$ 500.00	\$ 300.00	\$ 600.00	\$ 195.00	\$ 390.00	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00
12	Sewer, 12 inch CPE, Trench Det A	Ft	25	\$ 20.00	\$ 500.00	\$ 25.00	\$ 625.00	\$ 12.00	\$ 300.00	\$ 30.00	\$ 750.00	\$ 22.00	\$ 550.00	\$ 10.00	\$ 250.00	\$ 23.00	\$ 575.00	\$ 20.50	\$ 512.50	\$ 80.00	\$ 2,000.00
13	Dr Structure Cover, Adj, Case 1	Ea	3	\$ 300.00	\$ 900.00	\$ 50.00	\$ 150.00	\$ 250.00	\$ 750.00	\$ 400.00	\$ 1,200.00	\$ 425.00	\$ 1,275.00	\$ 400.00	\$ 1,200.00	\$ 300.00	\$ 900.00	\$ 550.00	\$ 1,650.00	\$ 200.00	\$ 600.00
14	HMA, 3C	Ton	360	\$ 80.35	\$ 28,926.00	\$ 78.50	\$ 28,260.00	\$ 76.18	\$ 27,424.80	\$ 80.00	\$ 28,800.00	\$ 88.00	\$ 31,680.00	\$ 82.00	\$ 29,520.00	\$ 77.00	\$ 27,720.00	\$ 80.00	\$ 28,800.00	\$ 97.22	\$ 34,999.20
15	HMA, 4C	Ton	360	\$ 84.55	\$ 30,438.00	\$ 82.80	\$ 29,808.00	\$ 80.38	\$ 28,936.80	\$ 82.00	\$ 29,520.00	\$ 84.00	\$ 30,240.00	\$ 85.00	\$ 30,600.00	\$ 81.00	\$ 29,160.00	\$ 85.25	\$ 30,690.00	\$ 100.00	\$ 36,000.00
16	Concrete Safety Path Ramp	Sft	500	\$ 10.00	\$ 5,000.00	\$ 5.00	\$ 2,500.00	\$ 6.10	\$ 3,050.00	\$ 5.00	\$ 2,500.00	\$ 15.00	\$ 7,500.00	\$ 8.00	\$ 4,000.00	\$ 14.00	\$ 7,000.00	\$ 10.50	\$ 5,250.00	\$ 6.00	\$ 3,000.00
17	Fence, Chain Link, 48 inch (Contingency Item)	Ft	200	\$ 12.00	\$ 2,400.00	\$ 14.00	\$ 2,800.00	\$ 0.01	\$ 2.00	\$ 6.00	\$ 1,200.00	\$ 15.00	\$ 3,000.00	\$ 14.00	\$ 2,800.00	\$ 18.00	\$ 3,600.00	\$ 13.50	\$ 2,700.00	\$ 48.00	\$ 9,600.00
18	Fence, Moving	Ft	1054	\$ 6.07	\$ 6,397.78	\$ 6.50	\$ 6,851.00	\$ 7.56	\$ 7,968.24	\$ 4.00	\$ 4,216.00	\$ 8.00	\$ 8,432.00	\$ 7.00	\$ 7,378.00	\$ 5.00	\$ 5,270.00	\$ 8.30	\$ 8,748.20	\$ 8.00	\$ 8,432.00
19	Post, Wood, 4 inch by 6 inch, Direct Embedment	Ea	24	\$ 24.00	\$ 576.00	\$ 145.00	\$ 3,480.00	\$ 140.00	\$ 3,360.00	\$ 150.00	\$ 3,600.00	\$ 160.00	\$ 3,840.00	\$ 150.00	\$ 3,600.00	\$ 140.00	\$ 3,360.00	\$ 148.50	\$ 3,564.00	\$ 40.00	\$ 960.00
20	Post, Steel, 2 lb	Ft	100	\$ 5.50	\$ 550.00	\$ 5.80	\$ 580.00	\$ 5.50	\$ 550.00	\$ 6.00	\$ 600.00	\$ 6.00	\$ 600.00	\$ 6.00	\$ 600.00	\$ 5.50	\$ 550.00	\$ 5.80	\$ 580.00	\$ 18.00	\$ 1,800.00
21	Sign, Type IIIA	Sft	131	\$ 20.00	\$ 2,620.00	\$ 21.00	\$ 2,751.00	\$ 20.00	\$ 2,620.00	\$ 20.00	\$ 2,620.00	\$ 22.00	\$ 2,882.00	\$ 22.00	\$ 2,882.00	\$ 20.00	\$ 2,620.00	\$ 21.00	\$ 2,751.00	\$ 34.35	\$ 4,499.85
22	Sign, Type IIIA, Erect, Salv	Ea	4	\$ 65.00	\$ 260.00	\$ 69.00	\$ 276.00	\$ 65.00	\$ 260.00	\$ 75.00	\$ 300.00	\$ 70.00	\$ 280.00	\$ 70.00	\$ 280.00	\$ 65.00	\$ 260.00	\$ 69.00	\$ 276.00	\$ 200.00	\$ 800.00
23	Sign, Type IIIA, Rem	Ea	4	\$ 25.00	\$ 100.00	\$ 110.00	\$ 440.00	\$ 25.00	\$ 100.00	\$ 30.00	\$ 120.00	\$ 28.00	\$ 112.00	\$ 30.00	\$ 120.00	\$ 25.00	\$ 100.00	\$ 26.50	\$ 106.00	\$ 100.00	\$ 400.00
24	Pavt Mrkg, Ovly Cold Plastic, 18 inch, Stop Bar	Ft	45	\$ 11.00	\$ 495.00	\$ 11.50	\$ 517.50	\$ 10.50	\$ 472.50	\$ 12.00	\$ 540.00	\$ 12.00	\$ 540.00	\$ 11.00	\$ 495.00	\$ 10.50	\$ 472.50	\$ 11.00	\$ 495.00	\$ 12.00	\$ 540.00
25	Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	Ft	36	\$ 13.00	\$ 468.00	\$ 14.00	\$ 504.00	\$ 12.75	\$ 459.00	\$ 13.00	\$ 468.00	\$ 14.00	\$ 504.00	\$ 14.00	\$ 504.00	\$ 12.75	\$ 459.00	\$ 13.50	\$ 486.00	\$ 14.00	\$ 504.00
26	Pavt Mrkg, Thermopl, 12 inch, White	Ft	132	\$ 1.00	\$ 132.00	\$ 1.00	\$ 132.00	\$ 0.95	\$ 125.40	\$ 1.00	\$ 132.00	\$ 1.10	\$ 145.20	\$ 1.00	\$ 132.00	\$ 0.95	\$ 125.40	\$ 1.00	\$ 132.00	\$ 1.52	\$ 200.64
27	Pavt Mrkg, Thermopl, 6 inch, White	Ft	1478	\$ 0.73	\$ 1,078.94	\$ 0.80	\$ 1,182.40	\$ 0.73	\$ 1,078.94	\$ 0.75	\$ 1,108.50	\$ 0.85	\$ 1,256.30	\$ 1.00	\$ 1,478.00	\$ 0.73	\$ 1,078.94	\$ 0.75	\$ 1,108.50	\$ 0.81	\$ 1,197.18
28	Pavt Mrkg, Thermopl, White Symbols, Modified	Ea	28	\$ 90.00	\$ 2,520.00	\$ 100.00	\$ 2,800.00	\$ 90.00	\$ 2,520.00	\$ 100.00	\$ 2,800.00	\$ 100.00	\$ 2,800.00	\$ 100.00	\$ 2,800.00	\$ 90.00	\$ 2,520.00	\$ 95.00	\$ 2,660.00	\$ 96.43	\$ 2,700.04
29	Topsoil surface, Furn, 4 inch	Syd	1505	\$ 3.50	\$ 5,267.50	\$ 3.00	\$ 4,515.00	\$ 3.49	\$ 5,252.45	\$ 4.50	\$ 6,772.50	\$ 4.50	\$ 6,772.50	\$ 7.00	\$ 10,535.00	\$ 5.00	\$ 7,525.00	\$ 2.50	\$ 3,762.50	\$ 3.99	\$ 6,004.95
												Error in Calculation								Errors in Calculation	
TOTAL				\$ 140,321.22		\$ 140,659.70		\$ 141,858.35		\$ 151,938.80		\$ 149,856.40		\$ 152,665.00		\$ 159,137.84		\$ 163,076.20		\$ 199,305.27	
*****BID REJECTED-NOT A CONTRACT HOLDER																					

City Commission Meeting
Tuesday August 26, 2008

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: August 20, 2008

SUBJECT: Agreement for School Resource Officer-Muskegon Public Schools

Summary of Request:

Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for the continuance of a full-time School Resource Officer who is assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of the police officer position for a nine-month period. This agreement covers the period September 2, 2008 through June 8, 2009.

Financial Impact:

This agreement will produce revenue in the amount of \$15,813 for the period of the agreement.

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

COMMUNITY OFFICER & MUSKEGON PUBLIC SCHOOLS

AGREEMENT

2008-74(n)

This agreement is effective September 2, 2008 through June 8, 2009, between the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and Muskegon Public Schools, of 349 West Webster, Muskegon, Michigan 49440 ("MPS"), with reference to the following facts:

Background

A. City and MPS have determined that it is in each of their best interests to increase police services at the Muskegon High School ("MHS").

B. City has agreed to provide a police officer to be on patrol at MHS. At all times the officer assigned to work at MHS shall be a City police officer and, as such an employee of the City. Duties will be decided between mutual parties. However, it is agreed that a component of the role is to help establish a positive, safe learning environment at Muskegon High School and develop positive relationships with the student body.

C. MPS has agreed to pay the City a flat rate according to 9 months of service. The community officer will report to the Muskegon High School principal.

It is therefore agreed:

1. **Officer.** City shall provide a police officer to be on patrol at MHS during MHS's published academic calendar year, commencing September 2, 2008 (which shall not include any published vacation days or summer school sessions, i.e. Christmas break, mid-winter break, Thanksgiving break, Professional Development days, Good Friday, Hackley Day or Memorial Day.) The officer shall be present at MHS during hours which are mutually agreeable between the City and MPS.

2. **Payment.** MPS shall pay \$1,757 on the first of **EACH MONTH**, as invoiced, commencing September 2, 2008 through June 8, 2009. Total payment will not exceed \$15,813.

3. **Term: Termination:** The term of this Agreement shall be for one year from September 2, 2008 through June 8, 2009, and may be renewed annually by mutual agreement. This Agreement may be terminated before the end of its term by subsequent written agreement, which shall be signed by both parties.

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

Muskegon Public Schools

By: Charles W. Poole
Name: Charles W. Poole
Title: President
Date: 10/23/08

By: Colin Armstrong
Name: Colin K. Armstrong
Title: Superintendent
Date: 9-9-08

By: David A. Lewis
Name: David A. Lewis
Title: Principal
Date: 9-09-08

City of Muskegon

By: Steven J. Warmington
Name: Steven J. Warmington
Title: Mayor
Date: 9-2-2008

Commission Meeting Date: August 26, 2008

Date: August 15, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *UBC*
RE: Amendment to the Zoning Ordinance – WM, Waterfront
Marine Districts, Special Land Uses Permitted

SUMMARY OF REQUEST:

Request to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts) to allow museums as an additional special land use.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

This item was tabled at the January 22, 2008 meeting, and referred back to staff at the February 12, 2008 meeting. Staff would like to now clear this item from the docket. Staff still believes this amendment to be in the best interest of waterfront development, and therefore, recommends approval of the amendment of the Zoning Ordinance to allow museums as an additional special land use in the WM, Waterfront Marine zoning district.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/10 meeting. The vote was unanimous with T. Michalski and B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2249

An ordinance to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts), to allow an additional special land use.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

Section 1901, new #6

6. **Museums**

This ordinance adopted:

Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nayes: None

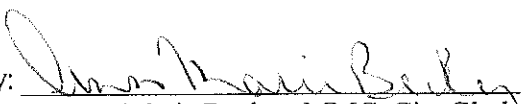
Adoption Date: August 26, 2008

Effective Date: September 13, 2008

First Reading: January 22, 2008

Second Reading: August 26, 2008

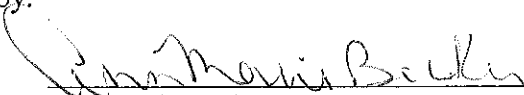
CITY OF MUSKEGON

By: 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of August, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: August 26, 2008.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on August 26, 2008, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts) adding language to allow an additional special land use in the WM, Waterfront Marine District.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published: September 3, 2008.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

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

January 10, 2008

Hearing; Case 2008-01: Staff initiated request to amend Section 1901 (Special Land Uses Permitted) of Article XIX, (WM, Waterfront Marine Districts), of the zoning ordinance, to add museums as a special land use in an WM district.

BACKGROUND

Currently, museums are allowed only in B-3, Central Business and OSR, Open Space Recreation zoning districts, and then only with a special land use permit. The Preamble of the Waterfront Marine district states that the districts “are designed to accommodate boating and water oriented land and building use along with those activities and services related to harbor and waterway improvements. “ Therefore, adding this use seems to compliment other uses already allowed in a Waterfront Marine district, which include marinas, restaurants, and hotels, to name a few. Some of these uses, and others allowed with a special land use permit, add character and attract tourists, and allow our area residents to enjoy more use of our lakefront properties.

Adding museums as a special land use in the Waterfront Marine zoning district would allow the Milwaukee Clipper, or any other museum ship, to dock at any port located within a Waterfront Marine zoning district, with whatever conditions Planning Commission would want to impose. It would also allow any other type of museum to locate on any property within a Waterfront Marine zoning district, upon securing a special land use permit from the Planning Commission.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

Section 1901, new #6

6. **Museums**

DELIBERATION

I move that the amendments to Section 1901, of Article XIX, WM, Waterfront Marine Districts, of the City of Muskegon Zoning Ordinance to add museums as a special land use in a WM, Waterfront Marine District, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts), to allow an additional special land use.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

Section 1901, new #6

6. **Museums**

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of August, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2008.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on August 26, 2008, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts) adding language to allow an additional special land use in the WM, Waterfront Marine District.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2008.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: August 26, 2008

Date: August 14, 2008
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Special Assessment Relief for Vida Nova Property

SUMMARY OF REQUEST: Doug Harjer, owner of Vida Nova, has requested assistance from the City of Muskegon. He currently has built four condominium units at Vida Nova. There is interest in the units; however, given the current real estate situation, actual sales have been difficult. The assessments levied on the property have constituted a majority of the taxes owed, and by providing temporary relief on the assessments, Mr. Harjer may be able to lower the price on the condominium units and stimulate sales.

FINANCIAL IMPACT: There will be a temporary suspension of the assessments owed to the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: It is recommended that the City Commission authorize deferment of the assessments on the two parcels of property in Vida Nova (160 Viridian Dr. and 190 Viridian Dr.), for a period of two years, without interest.

COMMITTEE RECOMMENDATION: None.

City of Muskegon
Original Special Assessment Amortization Schedule for Vida Nova Project

Assumptions:

- 1) Original assessment spread over 10 years, with July 1 due date.
- 2) 4 annual installments previously spread to property taxes.
- 3) APR Interest at 6.00%.
- 4) Declining balance method used to calculate interest.
- 5) 6 annual installments remaining on schedule.
- 6) **\$142,800.00** remaining special assessment principal balance.

Year	Payment	Toward Interest	Toward Principal	Balance Outstanding
2008	32,368.00	8,568.00	23,800.00	119,000.00
2009	30,940.00	7,140.00	23,800.00	95,200.00
2010	29,512.00	5,712.00	23,800.00	71,400.00
2011	28,084.00	4,284.00	23,800.00	47,600.00
2012	26,656.00	2,856.00	23,800.00	23,800.00
2013	25,228.00	1,428.00	23,800.00	0.00
	<u>172,788.00</u>	<u>29,988.00</u>	<u>142,800.00</u>	

City of Muskegon
Proposed Special Assessment Amortization Schedule for Vida Nova Project

Assumptions:

- 1) Original assessment spread over 10 years, with July 1 due date.
- 2) 4 annual installments previously spread to property taxes.
- 3) APR Interest at 6.00%.
- 4) Declining balance method used to calculate interest.
- 5) 6 annual installments remaining on schedule.
- 6) **\$142,800.00** remaining special assessment principal balance.
- 7) 2 year deferment with no interest accrued.

Year	Payment	Toward Interest	Toward Principal	Balance Outstanding
2010	32,368.00	8,568.00	23,800.00	119,000.00
2011	30,940.00	7,140.00	23,800.00	95,200.00
2012	29,512.00	5,712.00	23,800.00	71,400.00
2013	28,084.00	4,284.00	23,800.00	47,600.00
2014	26,656.00	2,856.00	23,800.00	23,800.00
2015	25,228.00	1,428.00	23,800.00	0.00
	<u>172,788.00</u>	<u>29,988.00</u>	<u>142,800.00</u>	

Commission Meeting Date: August 22, 2008

*Tabled
to January, 2009*

Date: August 11, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Request to revoke the Obsolete Property Rehabilitation
Exemption Certificate at 790 Terrace**

SUMMARY OF REQUEST:

Promised Land Associates, 420 Carmen Drive, Spring Lake, MI 49456, was issued an Obsolete Property Rehabilitation Exemption Certificate (resolution number 2005-54 b, issued June 14, 2005) for the property located at 790 Terrace Street. The timeline to complete the rehabilitation was one year, giving them until June 14, 2006 to do so. However, a number of unforeseen problems occurred during this time, making the applicant unable to complete the rehabilitation. The applicant then requested a time extension in November 2007 and was granted additional time to complete the rehabilitation. The new deadline to finish the rehabilitation was August 22, 2008. Total capital investment for this project was stated to be \$1,200,000 and was to include the addition of an elevator and an additional stairway, along with upgrades to the structural, mechanical, and electrical systems to meet current code requirements. To date, none of these projects have been completed.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To revoke the Obsolete Property Rehabilitation Certificate.

COMMITTEE RECOMMENDATION:

None

Date: August 26, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, 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.

PLEASE RETURN BY SEPTEMBER 15, 2008

Our official representative at the Annual Business
Meeting of the Michigan Municipal League will be:

Name Clara Shepherd

Title Commissioner

Our alternate official representative will be:

Name Ann Marie Becker

Title City Clerk

Official action of governing body on 8-26-2008
(date)

Submitted by Linda Potter

Municipality City of Muskegon



michigan municipal league

Better Communities. Better Michigan.

August 13, 2008

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council or Commission Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held on Mackinac Island, October 1-4, 2008. **The annual meeting is scheduled for 11:00 a.m. on Thursday, October 2, 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 page 2).
2. **Policy.** To vote on Core Legislative Principles document and resolutions properly brought before the annual meeting. All member municipalities planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for League trustees to receive resolutions for their review is September 2, 2008 (please see page 2).
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. After taking this action, please return the enclosed reply card no later than September 15, 2008.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML 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.”

➤ **HEADQUARTERS**

1675 Green Road

PO Box 1487

Ann Arbor, MI 48106-1487

TEL 734.662.3246 800.653.2483

FAX 734.662.8083

➤ **CAPITAL OFFICE**

208 N Capitol Avenue

1st Floor

Lansing, MI 48933-1354

TEL 800.995.2674

FAX 517.372.7476

➤ **NORTHERN FIELD OFFICE**

200 Minneapolis Avenue

Gladstone, MI 49837-1931

TEL 906.428.0100

FAX 906.428.0101

➤ **www.mml.org**

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML 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 the bulletin board of 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 MML 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 MML to receive resolutions is August 28th.

"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."

The proposed 2008-2009 Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the League website*, to permit governing bodies of member cities and villages 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 1st at the Grand Hotel on Mackinac Island for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

* The proposed 2008-2009 MML Core Legislative Principles document are available on the League website at <http://www.mml.org>. If you would like to receive a copy of the proposed policies by fax, please call Susan at the League at 800-653-2483.

Sincerely,



Deborah Doyle
President



Daniel P. Gilmartin
Executive Director & CEO

Enc.

- C. 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 a modification thereof. If time permits, each such resolution with the recommendation of the Board shall be printed in the *Michigan Municipal Review*.

** The deadline for receiving resolutions is September 2, 2008.

4. If a Voting Delegate wishes to speak, the Delegate should rise and proceed to one of the microphones available in the reserved area and after recognition by the Chair, may then speak. Since the Annual Business Meeting is being recorded, each Voting Delegate who wishes to speak for any reason, after being recognized by the Chair, should first announce the Delegate's name, title and municipality slowly and clearly into the microphone.

A member of the Board of Trustees, an Honorary Life Member, or a Chair or a designated member of a League Standing or Special Committee may speak on a question, but may not vote unless serving also as a Voting Delegate. If a question is raised about a proposed policy or resolution, or an amendment is offered and seconded, the Chair or designated member of the proper League Standing or Special Committee or a member of the Board of Trustees will be called upon to speak at an appropriate time to explain the Committee's views before the vote is put on the question. In addition, upon request of the Chair, a member of the League staff may speak on a question. Any other person present may speak only with the approval of the Voting Delegate body.

5. If a Voting Delegate who has been seated wishes to have the Alternate Voting Delegate from the Delegate's municipality speak on an issue, the Voting Delegate should request, after being recognized by the Chair, to be excused from the reserved area and that the other person be permitted to take the Delegate's place temporarily or for the balance of the meeting. Upon being excused by the Chair, the Alternate Voting Delegate may then take the Voting Delegate's place in the reserved seating area and may speak and vote as the Official Voting Delegate.
6. The above procedure is necessary to assure that, in the event of a vote on a question by show of hands or by voice vote of the Delegates, no municipality will have more than one person seated in the reserved area

OFFICIAL VOTING DELEGATES
ANNUAL BUSINESS MEETING
Michigan Municipal League

In accordance with the accompanying MML Annual Meeting Notice, each member municipality is to appoint one Official Voting Delegate and one Official Alternate Voting Delegate to represent the municipal at the Annual Business Meeting of the Michigan Municipal League.

The purpose of these instructions is to familiarize the voting delegate, especially those officials serving in this capacity for the first time, with the procedure to be followed during the Annual Business Meeting.

1. Prior to entering the Business Meeting, Official Voting Delegates should check-in at the registration desk located just outside of the meeting room. Official Voting Delegates will then be given a pass to enter in the reserved seating area for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate should check-in at the registration desk to be given the Voting Delegate pass.

Only the Official Voting Delegate will be seated in the area reserved for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate will take the Delegate's place in the reserved area as the Voting Delegate. Therefore, each member municipality will have only one person seated in the reserved area. All other municipal officials, and all other Alternate Voting Delegates, may be seated outside the reserved area.

2. In general, Robert's Rules of Order, Newly Revised, will govern the conduct of the Annual Business Meeting. Parliamentary decisions will be made by the President of the League who will preside at the Annual Business Meeting. The President will be assisted by a Parliamentarian. Parliamentary decisions by the Chair, if challenged from the floor, are subject to be sustained or overturned by a majority of the voting delegates.

3. The Bylaw governing the submission of policy resolutions provides:

Section 4.5 - Resolutions

- A. No resolution or motion shall be submitted to debate or vote at the annual meeting or any special meeting unless it is germane to the functions and purposes of the League.
- B. No resolution or motion, excepting 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**.

*Tabled to
October 28, 2008*

DATE: 08/19/2008
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN070238

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **254 AMITY AVE Area 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN070238 254 Amity

Location and ownership: This structure is located on Amity between Fork and Jay Streets and is owned by Marilyn Brewster, 347 Shonat St., Apt #5, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 11/08/07. An interior inspection was conducted 11/30/07. The Notice and Order to Repair was issued on 11/28/07. On 02/07/08, 03/06/08, and 04/03/08, the HBA tabled case to allow owner time to secure loan, establish timeline for repairs and obtain necessary permits. On 05/01/08 the HBA declared the structure substandard and dangerous. As of 08/19/08 no permits have been issued and no timeline submitted.

Owner Contact: Ms. Brewster was present for all HBA meetings stating she was working with Neighborhood Investment Corp to get loan to complete repairs and there were delays in getting taxes paid and obtaining insurance.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: 12,800

Estimated cost to repair: \$25,000

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

DATE: 08/19/2008
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN080084

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1259 SANFORD ST Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN080084 – 1259 Sanford, Muskegon, MI 49441

Location and ownership: This structure is located on Sanford between Spring and Isabella Streets and is owned by James Smith, 1575 Park, Muskegon, MI 49441.

Staff Correspondence: A dangerous building inspection was conducted on 04/03/08. The Notice and Order to Repair was issued on 04/09/08. On 06/05/08 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 06/05/08. Owner spoke with Don LaBrenz but has not applied for any permits, and no timeline has been submitted.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$21,800 (Entire property)

Estimated cost to repair: \$10,000

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

SUMMARY FOR: 1259 SANFORD ST

This building is a two story wood frame multi-family dwelling. This building is currently not occupied as the owner has moved to Park Street. This structure has numerous broken windows, is in need of a new roof, chimneys, and foundation work. The property owner has indicated that he does not have the resources to rehabilitate this structure. If left unattended and unrepaired this building will continue to deteriorate and become an "attractive nuisance" to area.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Friday, April 4, 2008

Enforcement # EN080084 **Property Address** 1259 SANFORD ST
Parcel #24-205-384-0007-20 **Owner** SMITH JAMES

Inspector: Henry Faltinowski

Date completed: 04/03/2008

DEFICENCIES:

Uncorrected

1. Structural damage to roof system - sagging rafters on southwest home (lower roof) sagging eaves open fascia.
2. Chimney failing - brick falling from chimney.
3. Broken out windows, numerous.
4. Foundation wall crumbling on southside of home.
5. Scrape and paint all exterior wood soffits - window frames, fascia.
6. Replace bad roof covering.
7. Provide interior inspection by trades.

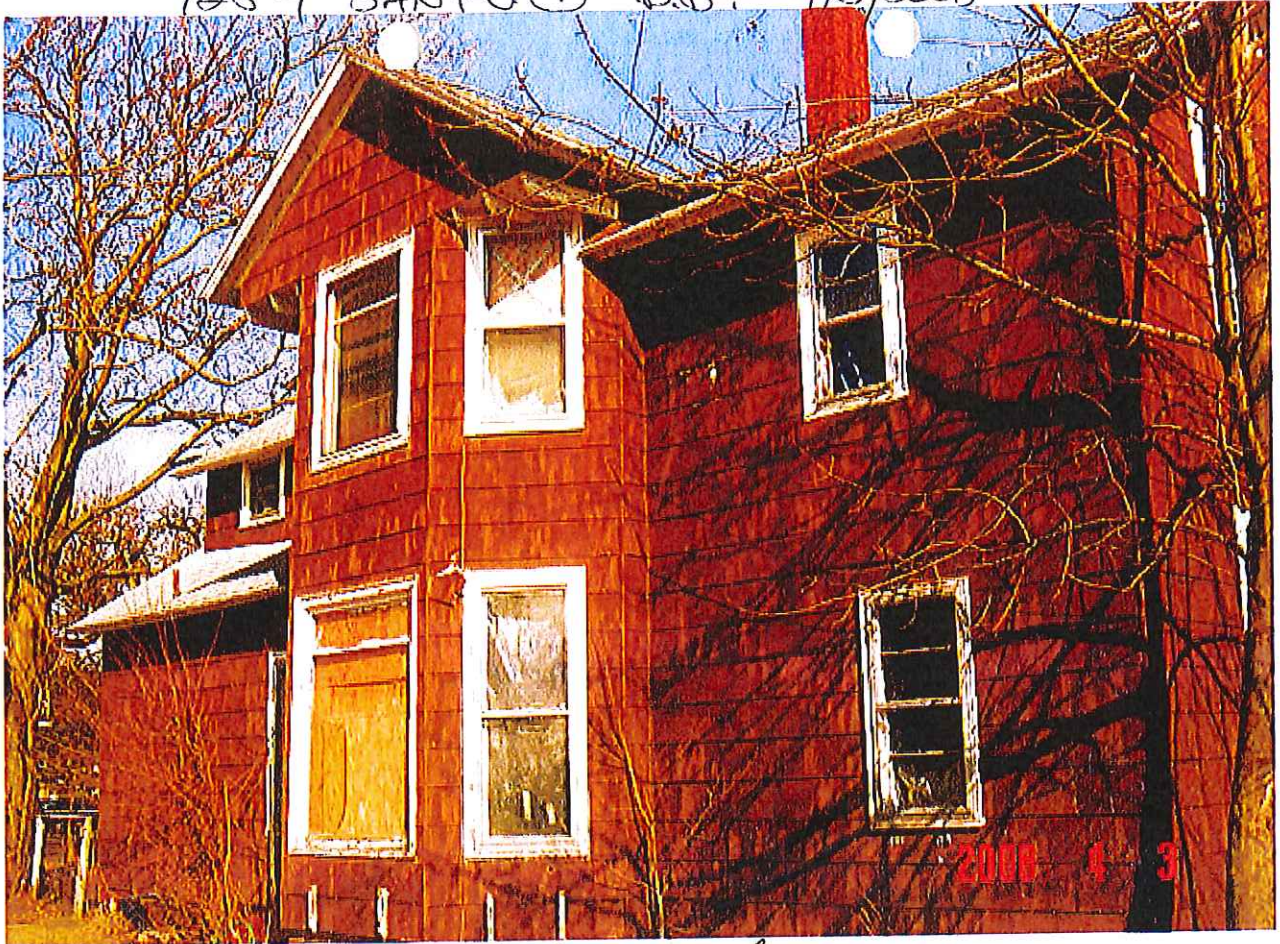
Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

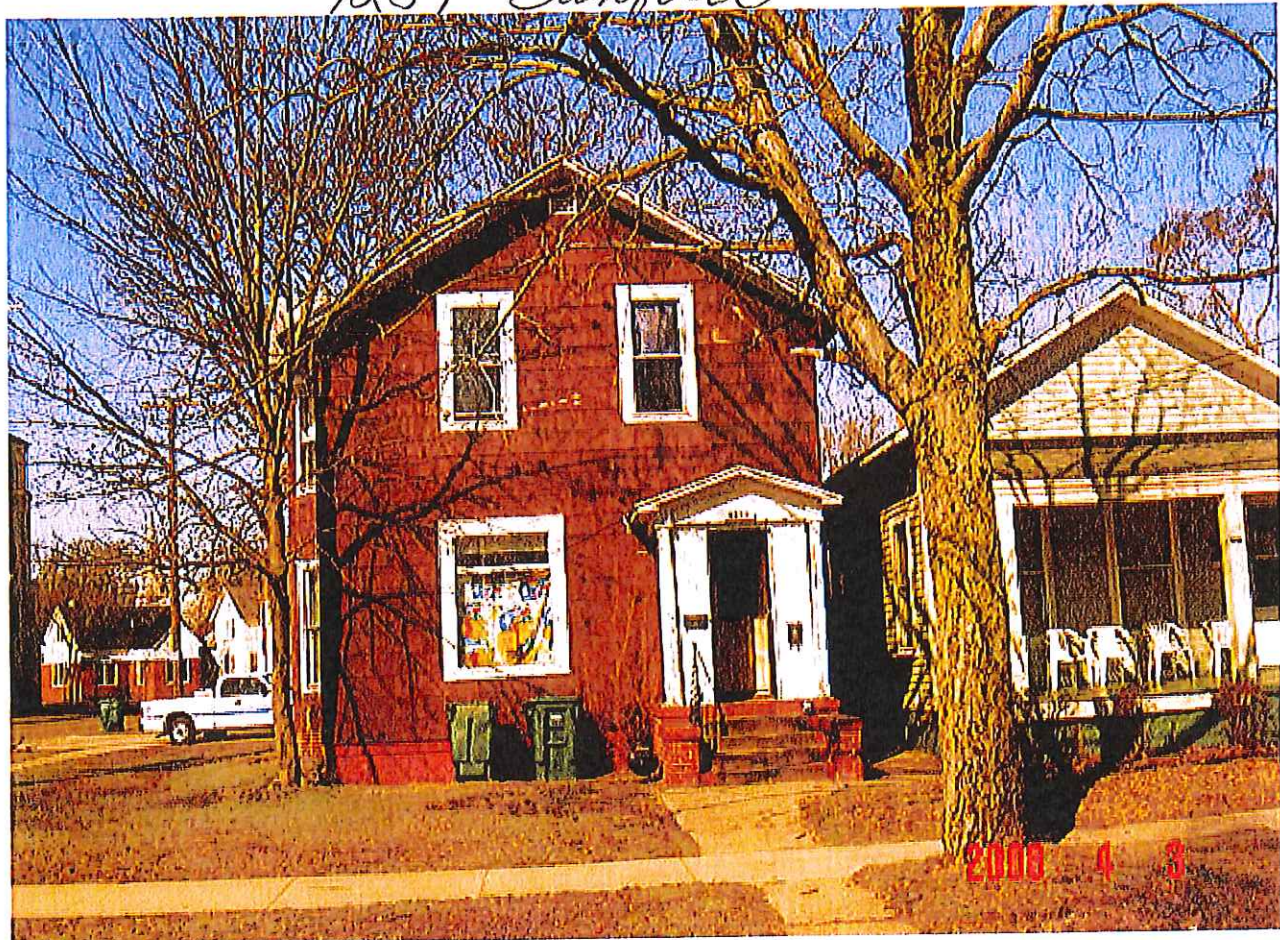
Henry Faltinowski, Building Inspector

Date

1259 SANFORD D.B. 4/3/2008



1259 Sanford



DATE: 08/19/2008
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN070232

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1329 4TH ST (Garage) Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN070232 – 1329 4th (Garage)

Location and ownership: This structure is located on 4th Street. between Strong and Mason Streets and is owned by Lowell Kirksey, 1329 4th, Muskegon, MI 49441.

Staff Correspondence: A dangerous building inspection was conducted on 10/26/07. The Notice and Order to Repair was issued on 11/08/07. On 02/07/08 the HBA tabled case until April 2008 with owner to schedule interior inspection and get approval from Historic District Committee. The case was brought back before HBA 05/01/08 and was declared substandard and dangerous building. Approval was received by HDC for demolition 07/01/08.

Owner Contact: Owner was present for HBA dated 02/07/08 and 04/05/08 stating intent was to rehab if possible but would demolish if determined it was not salvageable. No permits have been issued to rehab or demolish structure.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$41,400 (Entire property)

Estimated cost to repair: \$1,500 to Demolish

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

SUMMARY FOR: 1329 4TH ST (Garage Only)

This is a single story wood frame garage. The roof system has failed and the exterior garage walls are rotted and no longer offer an adequate means of support for this structure. This building is deteriorated to the point of no longer being salvageable.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Friday, October 26, 2007

Enforcement # EN070232 **Property Address** 1329 4TH ST
Parcel #24-205-397-0002-00 **Owner** KIRKSEY LOWELL

Inspector: Henry Faltinowski

Date completed: 10/26/2007

DEFICENCIES: Garage Only

Uncorrected

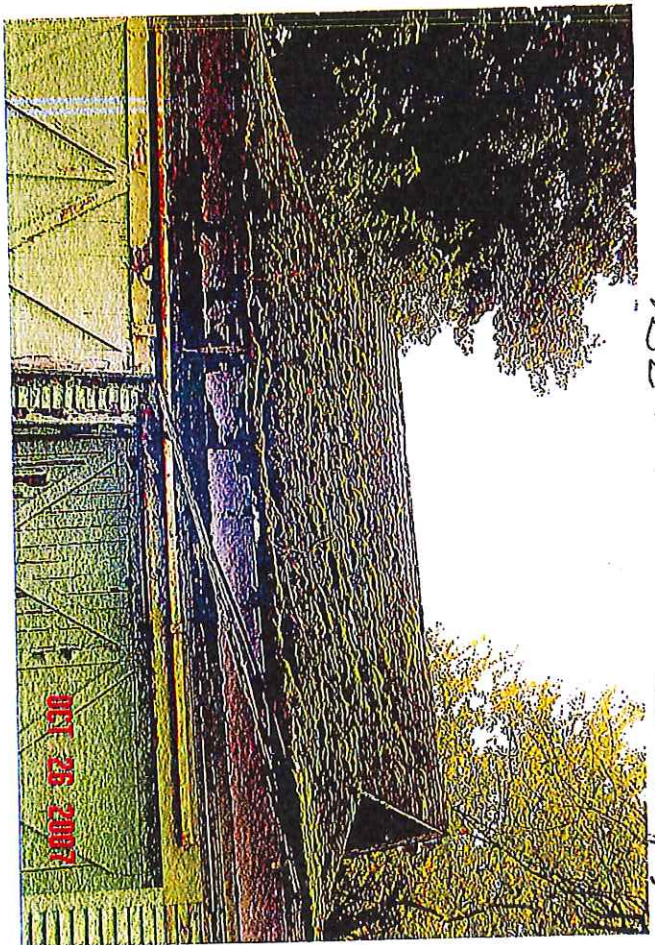
1. Roof rafters rotted.
 2. Fascia rotted.
 3. Exterior wall rotted and bowed,
 4. Ceiling failing,
 5. Ceiling joist rotted.
 6. Windows broken
 7. Garage door broken.
- Building to be painted.

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

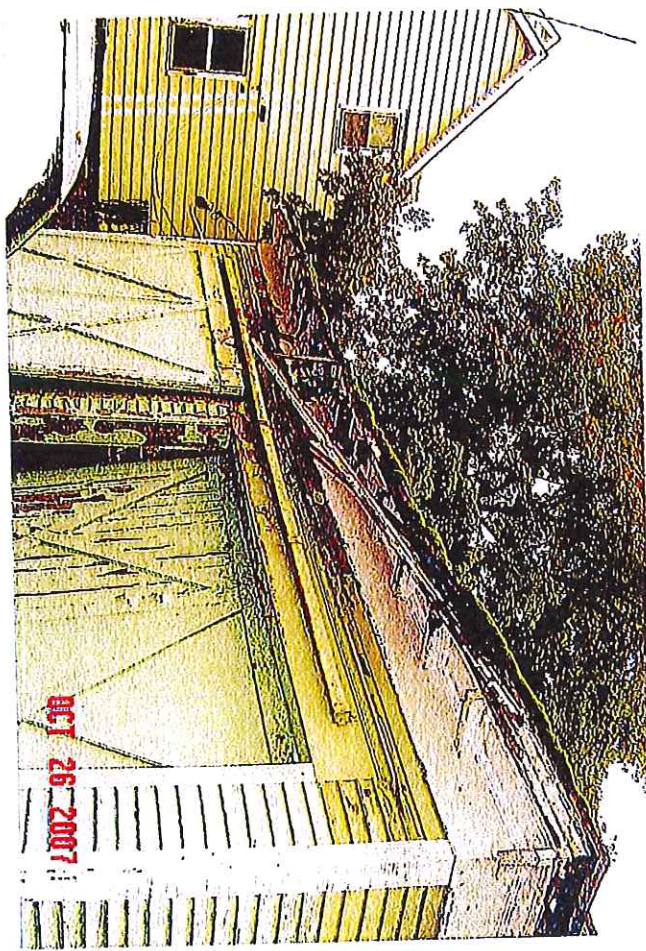
Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Don LaBrenz, Building Inspector

Date



1329 RUSSETT (Garage)



DATE: 08/19/2008
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN080075

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1573 BEIDLER ST Area 12** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN080075 – 1573 Beidler, Muskegon, MI 49441

Location and ownership: This structure is located on Beidler between W. Southern and Forest Streets and is owned by Thomas Kamp, 12414 State Rd, Nunica, MI 49448.

Staff Correspondence: A dangerous building inspection was conducted on 03/26/08. The Notice and Order to Repair was issued on 03/28/08. On 06/05/08 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 06/05/08. All notices sent certified mail have returned unclaimed. No permits have been issued, no inspections scheduled, and no contact with owner.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$31,500 (Entire property)

Estimated cost to repair: \$10,000

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

SUMMARY FOR: 1573 BEIDLER ST

This is a two story wood frame multi-family dwelling. The roof system is failing and no longer adequately protects this building from the weather. The structure currently is in a state of disrepair and will continue to deteriorate at an ever accelerating rate. This building does not appear to be secure from the weather and will continue to be a blighting influence on the neighborhood

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Friday, March 28, 2008

Enforcement # EN080075
Parcel #24-205-434-0009-00

Property Address 1573 BEIDLER ST
Owner KAMP THOMAS R

Inspector: Henry Faltinowski

Date completed: 03/26/2008

DEFICIENCIES:

Uncorrected

1. Roof covering - failing falling off home and porch - roofs - replace entire.
2. Missing soffit on porch.
3. Porch ceiling rotted falling in.
4. Broken out windows.
5. Rotting fascia.
6. Scrape and paint siding, replace damaged siding.
7. Replace both chimneys.
8. Replace South upper porch roof to MRC 2003 roof load requirements.
9. Repair -replace all damaged window frames.

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

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

Henry Faltinowski, Building Inspector

Date

1573 Beidler D.B. 3/27/2008



1573 Beidler

