

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 25, 2009

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. Purchase of 1381 Seventh Street. COMMUNITY & NEIGHBORHOOD SERVICES
 - C. Sale of Parcel at 402 Southern. COMMUNITY & NEIGHBORHOOD SERVICES
 - D. Agreement for School Resource Officer – Muskegon Public Schools. PUBLIC SAFETY
 - E. Liquor License Request for Fricano's Muskegon Lake, L.L.C., 1050 W. Western, #200. CITY CLERK
 - F. Liquor License Request for Daniels Concessions, L.L.C., 2300 Henry Street. CITY CLERK
 - G. Liquor License Request for L. C. Walker Arena, 470 W. Western. CITY CLERK
 - H. Accept Resignations and Make Appointment to Various Boards and Committees. CITY CLERK
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

A. Purchase of Equipment to Perform 6” to 15” Pipe Repairs. PUBLIC WORKS

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

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: August 25, 2009
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 10th Commission Worksession, and the August 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
August 10, 2009
City Commission Chambers
5:30 PM

MINUTES

2009-68

Present: Commissioners Warmington, Carter, Wierengo, Shepherd, Wisneski, Gawron, and Spataro.

Absent: None.

Muskegon Conservation District.

The Muskegon Conservation District is asking to utilize Richards Park site for development of the District's office and a community natural resource center. A conceptual vertical profile of the facility and a footprint was presented.

The Commission expressed their enthusiasm for the project.

The Mayor suggested that another meeting be held to study the full scope of the project.

Bethany Housing PILOT.

Recent changes in State law will require that programs such as Bethany Housing be subject to property taxes.

The Commission indicated they would not be favorable of issuing a PILOT to existing housing programs citing the number of units currently available.

Charter Ballot Questions.

The questions will be listed on the ballot in the following order:

1. Charter amendment providing for changing the dates for submission of the budget and adoption of budget by City Commission shall be established by ordinance.
2. Charter amendment allowing City Commission to change fiscal year by ordinance.
3. Charter amendment to eliminate the Charter-provided date by which the annual appropriation resolution needs to be adopted.
4. Charter amendment to provide that the composition, sessions and regulations of Board of Review would be as provided by law.
5. Charter amendment to eliminate primaries for Mayor and City Commission.
6. Charter amendment to repeal the provisions dealing with Civil Service.

Motion by Commissioner Spataro, seconded by Vice Mayor Gawron to list the charter questions in the order as listed above.

ROLL CALL VOTE:

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

Nays: None.

MOTION PASSES.

Budget Worksession Date – September 9 or 10?

It was decided that the budget worksession will be held on September 9 at 5:30 p.m.

Any Other Business.

Temporary Liquor License Fricano's

Motion by Commissioner Shepherd, seconded by Commissioner Wierengo to approve the temporary liquor license for Fricano's, 1050 W. Western Avenue, for Saturday, August 22, 2009.

ROLL CALL VOTE:

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

Nays: None.

MOTION PASSES.

Adjournment

Motion by Commissioner Carter, seconded by Commissioner Shepherd to adjourn at 6:35 p.m.

MOTION PASSES

**Ann Marie Becker, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 11, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, August 11, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Clara Shepherd, Lawrence Spataro, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Sue Wierengo (excused).

2009-69 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 28, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request for Waterworks GR, LLC, 730 Terrace Point (Rafferty's Dockside Restaurant). CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Waterworks GR, LLC to transfer ownership of 2009 Class C and SDM Licensed Business located in Escrow with Entertainment Permit without Dressing Rooms, Dance Permit, Outdoor Service Area (1 Area), Official Permit (Food), and 3 Bars from Key Food & Equipment Company (Rafferty's), and request to change the Existing Entertainment without Dressing Rooms to Dance-Entertainment Permit and requests New Official Permit (Dance-Entertainment & Food) for weekdays, 5:00 a.m. to 7:00 a.m. and Sundays, 5:00 a.m.

to 12:00 p.m., and add Enlarge Outdoor Area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

D. Renewal of Maintenance Contract with MDOT Trunkline Within the City of Muskegon. PUBLIC WORKS

SUMMARY OF REQUEST: The Michigan Department of Transportation seeks to renew its contract with the City of Muskegon for road maintenance on State Highways located within the City of Muskegon.

The City of Muskegon designates Mohammed Al-Shatel, its Deputy Director of Public Works, as the Maintenance Superintendent on state trunkline highways, and authorizes him and Ann Marie Becker, City Clerk, to execute this contract on the City's behalf.

This is a five-year, renewable contract.

FINANCIAL IMPACT: Our annual contract with MDOT is approximately \$221,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Recommend approval of the five-year contract and the designation of Mohammed Al-Shatel as the Maintenance Superintendent, and authorize him and Ann Marie Becker, City Clerk, to execute the contract on the City's behalf.

G. Revised Family and Medical Leave Act Policy. CIVIL SERVICE

SUMMARY OF REQUEST: Pursuant to the January 16, 2009, Federal revisions to the Family and Medical Leave Act, Civil Service modified the City's FMLA policy to come into compliance with the amended act. The Civil Service Commission approved and adopted the revised policy at its July 2, 2009, meeting. Since the City Commission approved and adopted the 1993 policy, staff requests approval and adoption of the revised policy to replace the 1993 policy of record.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff respectfully requests approval and adoption of the revised FMLA policy to replace the previously adopted 1993 policy to bring the City in compliance with the FMLA's requirements.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Consent Agenda as read minus items C, E, and F.

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

Nays: None

MOTION PASSES

2009-70 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Liquor License Request for Walgreen Co., 1000 S. Getty and 840 W. Sherman. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Walgreen Co. for two new SDM Licenses, one to be located at 1000 S. Getty Street and the other one to be located at 840 W. Sherman.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the liquor license request for Walgreen Co. for 1000 S. Getty and 840 W. Sherman.

ROLL VOTE: Ayes: Gawron and Spataro

Nays: Warmington, Wisneski, Carter, and Shepherd

MOTION FAILS

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the liquor license request for Walgreen Co. for 1000 S. Getty.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, and Shepherd

Nays: Spataro and Warmington

MOTION PASSES

E. Request the City of Muskegon Pay the Electrical Costs to Light Basketball Courts at Clara Shepherd Park. LEISURE SERVICES

SUMMARY OF REQUEST: The Public Health Department of Muskegon County received funding from the Michigan Department of Community Health's "Building Healthy Communities" program. The Nelson Neighborhood was awarded a grant focusing on improving health in the community. A community survey and assessment was done which determined that the installation of lights at the Clara Shepherd Park Basketball courts will improve opportunities and extend physical activities during the evening hours. The grant will cover installation costs of lights, labor, materials, equipment, fixtures, excavation, and permits. Approval of annual electrical costs during the dates of operation is requested.

FINANCIAL IMPACT: Estimated costs to the City of Muskegon for two 35' wood poles with two light fixtures attached burning 1500 watts each is \$17 per pole for each month of operation.

Public Health Department of Muskegon County will reimburse the City of Muskegon for all installation costs of the lights; including labor, materials, equipment, fixtures, excavation, and permits.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: The Leisure Service Board approved the recommendation at their July 20, 2009, meeting.

Motion by Commissioner Shepherd, second by Commissioner Spataro to accept the recommendation from the Leisure Service Board to pay the costs to light the basketball courts at Clara Shepherd Park.

**ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington
Nays: None**

MOTION PASSES

F. Association of Volleyball Professionals (AVP) Tournament – August 21 to 23, 2009. CITY MANAGER

SUMMARY OF REQUEST: To approve waiving costs of providing City services (except any police services for the alcohol service) for the AVP event on August 21–23, 2009.

FINANCIAL IMPACT: Minimal cost to the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To waive the costs of City services (except police services for the alcohol) and authorize City staff to enter into an agreement with the AVP for the event.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the waiving of costs for City services for the Association of Volleyball Professionals Tournament event on August 21-23, 2009.

**ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Warmington, and Wisneski
Nays: Spataro**

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: August 25, 2009

Date: August 11, 2009

To: Honorable Mayor and City Commission

W.G.

From: Community and Neighborhood Services Department

Re: Purchase of 1381 Seventh Street

SUMMARY OF REQUEST: To approve the purchase of 1381 Seventh Street from Steven and Teresa Lewis of 4318 Deerfield Run, Dorr, MI, for the appraised price of \$9,000, minus five percent. The agreed upon price for the structure is \$8,550.00.

After obtaining the property at 1381 Seventh Street, the City will demolish the structure and combine the parcel with the adjacent property at 1387 Seventh Street, which was also purchased by the CNS office and will also be demolished.

Both activities concerning 1381 Seventh Street will be financed with Neighborhood Stabilization Funds from the US Department of Housing and Urban Development.

FINANCIAL IMPACT: The funding will be from the City's NSP funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: Both the City Commission and Citizen's District Council were given overviews of the objective of the NSP program.



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made _____, 2009, by and between **Steven Lewis**, of 4318 Deerfield Run, Dorr, Michigan ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. General Agreement and Description of Premises. Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property ("Premises"), in the Township of Muskegon, County of Muskegon, State of Michigan, specifically described as: *CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF LOTS 4 & 5 BLK 375 COM @ A PT ON WLY SIDE 7TH ST 21 FT NWLY OF SE COR LOT 4 TH SWLY 109 FT TH SLY 26 FT TO SE COR LOT 11 TH E ALG N LN LOT 9 TO A PT 19 FT SELY OF SELY LN LOT 4 TH NELY PAR & 19 FT SELY OF SELY LN LOT 4 TO WLY LN OF 7TH ST TH NWLY ALNG WLY LN OF 7TH ST 40 FT TO BEG SUBJ TO JOINT DRWY RECOR'D 864/406. Property commonly referred to as 1381 7th Street, Muskegon, MI 49441.*

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. Purchase Price and Manner of Payment. The purchase price for the Premises shall be Eight Thousand Five Hundred Fifty dollars (\$8,550), payable in cash or city check to Buyer at Closing.

3. Taxes and Assessments. All taxes and assessments which are due and payable at the time of Closing shall be paid by the Seller prior to or at Closing. All taxes and special assessments which become due and payable after Closing shall be the responsibility of Buyer.

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, the Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or (otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If the Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at the Buyer's option. The premium for the owner's title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before Closing. The parties are aware that the Buyer intends to demolish the house. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

6. Survey. Buyer, at its own expense, may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. Condition of Premises and Examination by Buyer. NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT, HOWEVER, TO

THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before August 15, 2009, ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

11. Delivery of Deed. Seller shall execute and deliver a warranty deed to Buyer at Closing for the Premises.

12. Affidavit of Title. At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than August 30, 2009.

14. Costs. Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing.

15. General Provisions.

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Merger.** It is understood and agreed that all understandings and agreements previously made between the Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

c. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

d. Successors. All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

e. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

f. Survival of Representations and Warranties. The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

g. Modification of the Agreement. This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

BUYER: CITY OF MUSKEGON

By _____
Stephen J. Warmington, Mayor

By _____
Ann Becker, MMC Clerk

SELLER:

Steven Lewis

Commission Meeting Date: August 25, 2009

Date: August 11, 2009

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

W.G.

Re: Sale of Parcel at 402 Southern

SUMMARY OF REQUEST: To approve the sale of the parcel at 402 Southern to Mr. Abraham Wheeler of 412 Southern, the adjacent neighbor to the property. The City obtained the property at 402 Southern by purchasing it through its Neighborhood Stabilization Program, financed by the US Department of Housing and Urban Development. Since the City purchased the property, a fire occurred at the site and the structure on the property was demolished by the City's DPW division.

FINANCIAL IMPACT: In compliance with the City's guidelines, the property is being sold for \$1.00 plus the recording fees, totaling \$15.00.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the sale of said property to Mr. Abraham Wheeler.

COMMITTEE RECOMMENDATION: Both the City Commission and Citizen's District Council were given overviews of the objective of the NSP program.



City Commission Meeting
Tuesday August 25, 2009

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: August 17, 2009

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 8, 2008 through June 11, 2009.

Financial Impact:

This agreement will produce revenue in the amount of \$18,354 for the period of the agreement.

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

COMMUNITY OFFICER & MUSKEGON PUBLIC SCHOOLS

AGREEMENT

2009 – 2010

This agreement is effective September 8, 2009 through June 11, 2010, 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 8, 2009 (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 \$2,039 on the first of **EACH MONTH**, as invoiced, commencing September 8, 2009 through June 11, 2010. Total payment will not exceed \$18,354.

3. **Term: Termination:** The term of this Agreement shall be for one year from September 8, 2009 through June 11, 2010, 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: _____

By: Colin Armstrong
Name: Colin K. Armstrong
Title: Superintendent
Date: _____

By: David A. Lewis
Name: David A. Lewis
Title: Principal
Date: _____

City of Muskegon

By: _____
Name: Steven J. Warmington
Title: Mayor
Date: _____

Date: August 25, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
Fricano's Muskegon Lake, L.L.C.
1050 W. Western, #200

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Fricano's Muskegon Lake, L.L.C., to add space to the 2009 Resort Class C Licensed Business issued under MCL 436.1531(3) and SDM License with outdoor Service (1 Area), located at 1050 W. Western, Suite 200, and requests New Additional Bar Permit (2) for a total of 3 Bars and New Dance-Entertainment Permit, and add a New Outdoor Service Area #2.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

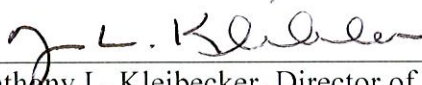
980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

August 7, 2009

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Investigation – 1050 W. Western, Suite 200
Additions to 2009 Resort Class C

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Fricano's Muskegon Lake, LLC of Muskegon, MI.

Fricano's Muskegon Lake, LLC requests to Add Space to 2009 Resort Class C licensed business issued under MCL 436.1531(3) & SDM license with Outdoor Service (1 Area), located at 1050 W. Western, Suite 200, Muskegon MI. 49441 and requests New Additional Bar Permit (2) for a total of (3) bars and New Dance-Entertainment Permit, and Add a New Outdoor Service Area (#2).

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

ALK/kd



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

522370
THH
8-4-09

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

July 15, 2009

Muskegon Police Department
Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536

Request ID #: 522370

Applicant:

FRICANO'S MUSKEGON LAKE, L.L.C. REQUESTS TO ADD SPACE TO 2009 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL 436.1531(3) & SDM LICENSE WITH OUTDOOR SERVICE (1 AREA), LOCATED AT 1050 W WESTERN, SUITE 200, MUSKEGON, MI 49441, MUSKEGON COUNTY; AND REQUESTS NEW ADDITIONAL BAR PERMIT (2) FOR A TOTAL OF (3) BARS AND NEW DANCE-ENTERTAINMENT PERMIT.

ADD A NEW OUTDOOR SERVICE AREA #2.

CONTACT: TED FRICANO, B(231) 722-7775

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.

dl



Michigan Department of Energy, 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 # 522370

Business ID # 142045

8-4-09 DATA

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:

FRICANO'S MUSKEGON LAKE, L.L.C. REQUESTS TO ADD SPACE TO 2009 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL 436.1531(3) & SDM LICENSE WITH OUTDOOR SERVICE (1 AREA), LOCATED AT 1050 W WESTERN, SUITE 200, MUSKEGON, MI 49441, MUSKEGON COUNTY; AND REQUESTS NEW ADDITIONAL BAR PERMIT (2) FOR A TOTAL OF (3) BARS AND NEW DANCE-ENTERTAINMENT PERMIT. ADD A NEW OUTDOOR SERVICE AREA H.A.

Section 1. APPLICANT INFORMATION

APPLICANT #1:

APPLICANT #2:

DATE FINGERPRINTED**: **NO FINGERPRINTS REQUIRED**

DATE FINGERPRINTED**:

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 a Visa? Enter status:

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 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 sheet if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet 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 motor vehicle fuel pumps at or directly adjacent to the establishment? ☒ 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 No, indicate which state and local ordinances the location does not meet:

☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No*

2. Should the MLCC grant this request? ☒ Yes ☐ No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?

☐ Yes ☒ No

4. Is this recommendation subject to any other conditions?

☐ Yes ☒ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

K. L. K. K. K.
Signature (Sheriff or Chief of Police)

8-11-09
Date

Muskegon Police Department



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

FOR MLCC USE ONLY

Request ID # 522370

Business ID # 142045

8-4-09 TMA

LAW ENFORCEMENT RECOMMENDATION

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

July 15, 2009

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

Re: FRICANO'S MUSKEGON LAKE, L.L.C. REQUESTS TO ADD SPACE TO 2009 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL 436.1531(3) & SDM LICENSE WITH OUTDOOR SERVICE (1 AREA), LOCATED AT 1050 W WESTERN, SUITE 200, MUSKEGON, MI 49441, MUSKEGON COUNTY; AND REQUESTS NEW ADDITIONAL BAR PERMIT (2) FOR A TOTAL OF (3) BARS AND NEW DANCE-ENTERTAINMENT PERMIT. *ADD A NEW OUTDOOR SERVICE AREA #2.*

CONTACT: TED FRICANO, B(231) 722-7775

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your 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

Law Enforcement Recommendation (cont'd)

Page 2

July 15, 2009

☐ TOPLESS ACTIVITY PERMIT

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

☒ OUTDOOR SERVICE AREA # 2 28' x 12' WEST END OF BLDG.

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

☐ PARTICIPATION PERMIT

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

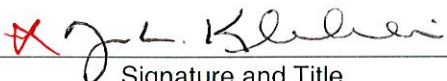
☒ ADDITIONAL BAR PERMIT (2) BARS FOR A TOTAL OF (3) BARS

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

☐

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

Signed:


Signature and Title

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

Date: 8-11-09



Michigan Department of Energy, 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 # 522370

Business ID # 142045

8-4-09 TAX

July 15, 2009

TO: MUSKEGON CITY COMMISSION
ATTN: CLERK
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

APPLICANT: FRICANO'S MUSKEGON LAKE, L.L.C.

Home Address and Telephone No. or Contact Address and Telephone No.:
CONTACT: TED FRICANO, B(231) 722-7775

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) 636-4634.

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

RESOLUTION

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

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from FRICANO'S MUSKEGON LAKE, L.L.C. FOR A NEW DANCE-ENTERTAINMENT PERMIT, TO BE HELD IN CONJUNCTION WITH 2009 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL 436.1531(3), LOCATED AT 1050 W WESTERN, SUITE 200, MUSKEGON, MI 49441, MUSKEGON COUNTY.

be considered for _____
 (Approval or Disapproval)

APPROVAL**DISAPPROVAL**

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

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

_____ for issuance
 (Recommended or Not Recommended)

State of Michigan _____)

County of _____)

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

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

meeting held on _____
 (Date)

(Signed) _____
 (Township, City or Village Clerk)

SEAL

 (Mailing address of Township, City or Village)

Date: August 25, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
Daniels Concessions, L.L.C.
2300 Henry Street

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Daniels Concessions, L.L.C., to Add Space to the 2009 Class C & SDM Licensed Business with Dance Permit and Direct Connection-3, located at 2300 Henry, and Add 2 Bars for a total of 3 Bars and Drop the Existing Direct Connection-3 and Add a New Direct Connection-1.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

August 7, 2009

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Investigation – 2300 Henry St.
Additions to 2009 Class C & SDM Licensed Business

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Daniels Concessions, LLC of Muskegon, MI.

Daniels Concessions, LLC requests to Add Space to 2009 Class C & SDM licensed business with Dance Permit and Direct Connection-3, located at 2300 Henry, Muskegon MI. 49441, and Add 2 Bars for a total of 3 Bars and Drop the existing Direct Connection-3 and add a New Direct Connection-1.

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

ALK/kd



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

THA
517119
7-28-09

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

JUNE 10, 2009

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

Request ID #: 517119

Applicant:

DANIELS CONCESSIONS, L.L.C. REQUESTS TO ADD SPACE TO 2009 CLASS C & SDM LICENSED BUSINESS WITH DANCE PERMIT & DIRECT CONNECTION-3, LOCATED AT 2300 HENRY, MUSKEGON, MI 49441, MUSKEGON COUNTY. AND ADD 2 BARS FOR A TOTAL OF 3 BARS AND

DROP THE EXISTING DIRECT CONNECTIONS - 3 AND ADD A NEW DIRECT CONNECTION - 1.

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.

dl



Michigan Department of Energy, 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 # 517119

Business ID # 110594

7-28-09 TMH

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:

DANIELS CONCESSIONS, L.L.C. REQUESTS TO ADD SPACE TO 2009 CLASS C & SDM LICENSED BUSINESS WITH DANCE PERMIT & DIRECT CONNECTION-3, LOCATED AT 2300 HENRY, ADD 2 NEW BARS MUSKEGON, MI 49441, MUSKEGON COUNTY. FOR 3 TOTAL BARS; DROP EXISTING DIRECT CONNECT-3; AND ADD NEW DIRECT CONNECT-1

Section 1.

APPLICANT INFORMATION

APPLICANT #1:
CONTACT: SCOTT JONES
SAME AS BUSINESS ADDRESS
(231) 329-2223, (231) 343-9680

APPLICANT #2:
CONTACT: GINA JONES
SAME AS BUSINESS ADDRESS
(231) 329-2223, (231) 343-9680

DATE FINGERPRINTED **NO FINGERPRINTS REQUIRED

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 a Visa? Enter status:

DATE FINGERPRINTED **NO FINGERPRINTS REQUIRED

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 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 sheet if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet 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 motor vehicle fuel pumps at or directly adjacent to the establishment? ☒ 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 No, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4.

RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No*

2. Should the MLCC grant this request? ☒ Yes ☐ No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☐ Yes ☒ No

4. Is this recommendation subject to any other conditions? ☐ Yes ☒ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

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

8-10-09
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 # 517119

Business ID #

7-28-09 7744

Reissued July 28, 2009

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

Re: **DANIELS CONCESSIONS, LLC 2300 Henry, Muskegon, MI 49441** Requests to Add Space to the licensed location; add 2 new Bars (3 Total Bars); drop the existing Direct Connections -3; and add a new Direct Connection -1.

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

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
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

7-28-09
7574

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

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

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

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

x 2.1 Keller

DIRECTOR OF PUBLIC SAFETY

Date: 8-10-09

Date: August 25, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
L. C. Walker Arena
470 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Arena Concessions Group, L.L.C., Arena Management Group, L.L.C., and the City of Muskegon (Co-Licensees) for a new Outdoor Service (2 area) to be held in conjunction with the 2009 Class C Licensed Business with Dance-Entertainment Permit located at 470 W. Western.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



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

FOR MLCC USE ONLY

Request ID # 479071

Business ID # 1252

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

July 22, 2009

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

APPLICANT: ARENA CONCESSIONS GROUP, L.L.C. (CO-LICENSEE)
ARENA MANAGEMENT GROUP, L.L.C. (CO-LICENSEE)
CITY OF MUSKEGON (CO-LICENSEE)

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

Contact: Timothy Taylor (231) 722-5388

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 Licensing Division at (517)636-0204.

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

ljt

RESOLUTION

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

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from ARENA CONCESSIONS GROUP, L.L.C (CO-LICENSEE), ARENA MANAGEMENT GROUP, L.L.C. (CO-LICENSEE) AND CITY OF MUSKEGON (CO-LICENSEE) requests new Outdoor Service (2 areas) to be held in conjunction with 2009 Class C licensed business with Dance-Entertainment Permit, located at 470 W Western, Muskegon MI 49440, Muskegon County.

be considered for _____
 (Approval or Disapproval)

APPROVAL**DISAPPROVAL**

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

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

_____ for issuance
 (Recommended or Not Recommended)

State of Michigan _____)

County of _____)

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

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

meeting held on _____
 (Date)

(Signed) _____
 (Township, City or Village Clerk)

SEAL

 (Mailing address of Township, City or Village)

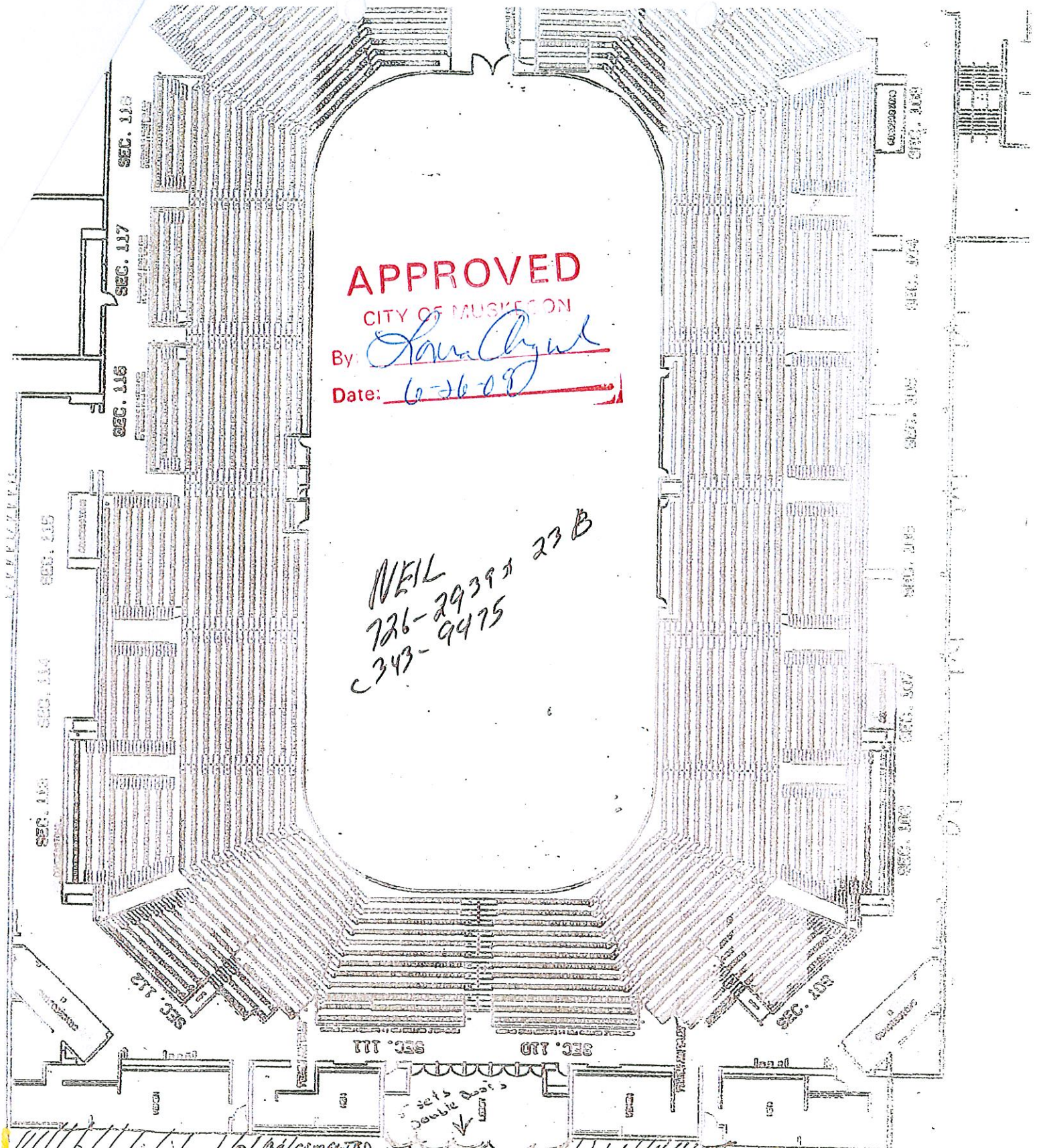
APPROVED

CITY OF MUSKOGEE

By: Laura Chyl

Date: 6-26-08

NEIL
726-29391 23B
343-9475



← 109' →

← 69' →

← 200 Ft →
total width

PORTABLE BARRICADE WOULD NOT
BE IN FRONT OF EXIT DOORS

CEMENT WOULD BE PAINTED TO DESIGNATE AREA

YELLOW REPRESENTS
BIKE RACK

SAME AS OTHER SIDE

Alcohol sales

RECEIVED

JUN 26 2009

CITY OF MUSKEGON
PLANNING DEPARTMENT

Proposed Extension of Adding Outdoor Areas to our Liquor License:

There are 2 (two) grassy areas at our Western Avenue entrance where we would like to add an outdoor seating area. Currently, this area is used for a smoking area, surrounded by bike rack.

We plan to cement in the two grassy areas and add outdoor seating and possibly vending. This area would not be permanently set up; it would be temporarily set up when the L.C. Walker Arena deemed it necessary. At no time would any exit doors be blocked by barricades.

We met with Tom Healy from the Department of Labor and Economic Growth and he liked our idea for the proposed outdoor seating area. Considering the fact that this outdoor area would only be used temporarily, he did not think there would be a problem using bike rack to contain the area. We may consider the possibility of moving a bar and vending stand outside, if this goes over well with the public.

From the portable barrier to the trees along the sidewalk, there would remain nine feet for pedestrian foot traffic.

APPROVED

CITY OF MUSKEGON

By:

Tom Healy

Date:

6-26-09

Date: August 25, 2009
To: Honorable Mayor and City Commissioners
From: City Clerk, Ann Marie Becker
RE: Accept Resignations and Make Appointment to
Various Boards and Committees

SUMMARY OF REQUEST: To accept the resignation of John R. Thompson from the District Library Board, Marcia Hovey-Wright from the Community Development Block Grant – Citizen's District Council, and Charlotte Bradshaw from the Citizen's Police Review Board. To appoint Andrew H. Cirner to the Citizen's Police Review Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignations and make appointment.

COMMITTEE RECOMMENDATION: The Community Relations Committee approved this request at their August 10th meeting.

Date: 08/04/09

To: Honorable Mayor and City Commission

From: Department of Public Works

RE: Purchase of Equipment to Perform 6” to 15” Pipe Repairs

SUMMARY OF REQUEST: Approval to purchase from Source One Environmental, trenchless excavating equipment to perform a 12” x 20ft. sanitary sewer repair at Oakgrove at Fleming which will also enable us to perform 6” – 15” repairs in the future

FINANCIAL IMPACT: Total Cost \$ 13,245.60

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve purchase from Source One Environmental.

Memorandum

To: Bryon Mazade
CC: Bob Kuhn, Mohammed Al-Shatel, Kelly DeFrench
From: Dan Cousineau
Date: 8/19/2009
Re: PipePatch Sewer Repair Equipment for repair of 12" sanitary sewer at Oakgrove & Fleming

At the intersection of Fleming and Oakgrove we have investigated a sink hole in the street where the asphalt had sunk a couple of feet. Upon inspection of the 12" sanitary sewer main with the T.V. truck it was determined that there is an open joint with ground water coming in and a longitudinal crack at 12 o'clock in two 2ft. pipe lengths of vitrified clay tile. The depth of the main is 15 ft which would necessitate an excavation at least 35 ft wide which would be curb to curb including both terraces.

I contacted Jackson & Merkey for an estimate of the cost of repair of the 12" sanitary sewer which was quoted as **\$17,925 plus \$4500 for bituminous patch.**

I also received quotes from three companies that have the equipment to do pipe lining and spot repairs with out excavating.

1. Link Pipe - ph.1- (905)- 886 - 0335 quoted by Maria Liao – 12" x 24 ft. repair - **\$15,104.84**
2. Young,s Environmental Cleanup Inc. – ph. 1- (810) -789-7155 quoted by Joe Fisher – (1) 12" by twenty sectional liner - **\$12,195**
3. Source One Environmental (manufacturer) – Chad Miller – 1- (989) – 295 – 2138 / TODAY'S DISTRIBUTOR (distributor for Source One Environmental) – Paul Hoffman ph. 1- (810) – 412 - 5167 **A.** Purchase of equipment to do 12" x 20ft. repair – with this equipment we will have the ability to do 12" through 15" pipe repairs in the future - **\$10,563.60 B.** Includes all the previous equipment plus equipment to perform 6" through 10" patches - **\$13,245.60**

It is my recommendation that we purchase quote B from Source One Environmental. Not only will we be able to complete the repair of the 12" sewer at Oakgrove & Fleming but we will also have the equipment/ability to perform repairs on 6" through 15" pipe in the future.

Date: August 25, 2009
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.

August 4, 2009

Michigan Municipal League Annual Meeting Notice

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

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Kalamazoo, September 22-25, 2009. **The annual meeting is scheduled for 11:00 a.m. on Wednesday, September 23rd, at the Radisson Plaza 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 August 24, 2009. (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 9, 2009.

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.”

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 24.

"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 Michigan Municipal League Core Legislative Principles 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 communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Tuesday, September 22 at the Kalamazoo Radisson Plaza Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

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

Sincerely,



Robin E. Beltramini
President



Daniel P. Gilmartin
Executive Director & CEO

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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**.

- 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 this year is August 24, 2009.

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.