

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 10, 2004

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. Resolution for Charitable Gaming License. CITY CLERK
 - C. Liquor License Request – Sunny Mart, 2021 Marquette. CITY CLERK
 - D. Sale of Buildable Vacant Lot on Lawrence Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. 18-Month Extension to Complete Construction of 4 Homes. PLANNING & ECONOMIC DEVELOPMENT
 - F. Clearance of Three Parcels on Walton. COMMUNITY & NEIGHBORHOOD SERVICES
 - G. Accept Resignation from the Civil Service Commission. CITY CLERK
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
 - A. Approval of Purchase Agreement for City/State Lots on Clay Avenue – City of Muskegon and Brenda Moore. PLANNING & ECONOMIC DEVELOPMENT

B. SECOND READING: Zoning Ordinance Amendment for Alcohol Sales. PLANNING & ECONOMIC DEVELOPMENT

□ NEW BUSINESS:

- A. Consideration of Bids - Nims Street Tank Painting.** ENGINEERING
- B. Proposed Charter Amendments to Change City's Fiscal Year.** FINANCE
- C. Zoning Administration Assistance Contract-LSL.** PLANNING & ECONOMIC DEVELOPMENT
- D. Concurrence with the Housing Board of Appeals Notice & Order to Demolish the Following.** PUBLIC SAFETY
 - 1. 1463 Sixth
 - 2. 1983 Hoyt
 - 3. 458 Mulder
 - 4. 523 W. Grand
 - 5. 637 Amity
 - 6. 1530 Hoyt

□ ANY OTHER BUSINESS:

□ PUBLIC PARTICIPATION

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

□ ADJOURNMENT:

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

Date: August 10, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 27, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 10, 2004

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 10, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson from the Word of Truth Outreach after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2004-72 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 27, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Resolution for Charitable Gaming License. CITY CLERK

SUMMARY OF REQUEST: The Michigan Irish Music Festival of Muskegon is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They would like to hold a raffle at Heritage Landing during their festival on September 17 – 19.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. Liquor License Request – Sunny Mart, 2021 Marquette. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Christine R. Singh to transfer ownership of the 2004 SDM Licensed Business from Indu Gupta.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

D. Sale of Buildable Vacant Lot on Lawrence Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1536 Lawrence Avenue (Parcel #24-610-000-0043-00) to Gloria Fisher of 430 Glen Oaks Drive, Apt. 3B, Muskegon, MI. The lot is 80 x 132 ft. and is being offered to Ms. Fisher for \$6,750. The details of the home are not confirmed as of this date, but she will conform to all standard requirements of the City-owned property policy. The True Cash Value (TCV) for the property listed in the Assessor's Office is \$9,000, so our price is set at \$6,750 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

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

E. 18-Month Extension to Complete Construction of 4 Homes. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve an 18-month extension to allow Mr. Bill Ingalls extra time to complete construction of four single-family homes on Miner Avenue. The original agreement between the City and Mr. Ingalls stipulated that construction of four homes was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Ingalls has constructed two homes on the site and has a contract to begin the third. Since the 18-month time period typically pertains to people building one single family home, it makes sense that more time can be allowed for several homes to be built.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution and deed.

F. Clearance of Three Parcels on Walton. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the awarding of a contract to Andy's Tree Service, 2691 Hall Road, Muskegon, for the low bid of \$12,500. The CNS Department received one other bid for the project from Professional Tree Services, Inc., 1727 Beidler, Muskegon, for \$17,240. The sites that will be cleared are 814 Murphy (66 x 140), 265 Walton (99 x 140), and 243 Walton (297 x 140).

After the sites have been cleared, the CNS Office in partnership with Neighborhood Investment Corp. and Fifth/Third Bank are proposing to build 4 to 6 homes on the site.

FINANCIAL IMPACT: Funding will be disbursed from previously approved HOME funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the low bid by Andy's Tree Service and direct the CNS to develop a contract with Andy's Tree Service for \$12,500.

G. Accept Resignation from the Civil Service Commission. CITY CLERK

SUMMARY OF REQUEST: To accept the resignation of Deborah Smith from the Civil Service Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignation.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended acceptance of the resignation.

Motion by Commissioner Gawron, second by Commissioner Spataro to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2004-73 UNFINISHED BUSINESS:

A. Approval of Purchase Agreement for City/State Lots on Clay Avenue – City of Muskegon and Brenda Moore. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Brenda Moore has purchased the former Freres Gas Station on Laketon Avenue. She would like to move the building to a lot owned by the City of Muskegon on Clay Avenue and the adjacent lot (now owned by the State, but requested for purchase by the City). The purchase agreement allows the lots to be sold to Ms. Moore, on the condition that the City obtain the deed for the State-owned lot by December 31, 2004. After closing on the property, Ms. Moore will have 18 months to move the building to the site and make improvements. She will provide a \$30,000 performance bond, in the event the improvements are not made within the time allotted. Ms. Moore intends to improve the building for a commercial/retail use.

FINANCIAL IMPACT: The City will receive \$2,500 for the lots. The purchase price takes into consideration that the building is a historic structure being moved into a Heritage District and will be appropriately placed in this location.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Real Estate Purchase Agreement and authorize the Mayor and Clerk to sign the contract.

Motion by Vice Mayor Larson, second by Commissioner Davis to approve the Real Estate Purchase Agreement.

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

Nays: None

MOTION PASSES

B. SECOND READING: Zoning Ordinance Amendment for Alcohol Sales.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding alcohol sales.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 7/15 meeting. T. Harryman, B. Mazade, P. Sartorius, T. Johnson, T. Michalski, and L. Spataro voted in favor of the change. B. Smith voted against. S. Warmington and J. Aslakson were absent.

Motion by Commissioner Spataro, second by Vice Mayor Larson to adopt the amendment of the Zoning Ordinance to amend language regarding alcohol sales.

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

Nays: Shepherd

MOTION PASSES

2004-74 NEW BUSINESS:

A. Consideration of Bids - Nims Street Tank Painting. ENGINEERING

SUMMARY OF REQUEST: Reject all bids on the Nims Street Tank. On July 27, we received four (4) bids from qualified contractors to paint the Nims Street Tank with M.K. Painting, Inc. out of Lincoln Park, MI being the lowest bid of \$359,550.

FINANCIAL IMPACT: The construction cost of \$359,550 plus associated engineering costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Reject all bids due to budget constraints.

Motion by Commissioner Davis, second by Vice Mayor Larson to reject all bids.

ROLL VOTE: Ayes: Larson, Shepherd, Carter, Davis, Gawron

Nays: Spataro, Warmington

MOTION PASSES

B. Proposed Charter Amendments to Change City's Fiscal Year. FINANCE

SUMMARY OF REQUEST: As set in the City Charter, the City's fiscal year is currently the same as the calendar year (January 1 – December 31). This is inconsistent with the federal, state and virtually all other Michigan municipal fiscal years. Staff has weighed the pros and cons of changing fiscal years and believes that there are sufficient benefits to make it worthwhile to propose a Charter amendment. Accordingly, the two resolutions have been prepared which, if approved by the Commission, would place the following two questions on November's ballot:

1. Shall the Muskegon City Charter be amended to provide that the fiscal year for the City be established by an ordinance adopted by the City Commission? The Charter now provides that the fiscal year shall begin January 1.
2. Shall the Muskegon City Charter be amended to provide that the date the City Manager submits the budget to the City Commission and the date the City Commission adopts the budget shall be set by ordinance? The Charter now provides that the City Manager must submit the budget by September 1 and the City Commission must adopt it by September 25.

FINANCIAL IMPACT: Placing this item on the November general election ballot avoids the costs of a special election. If approved, the change in fiscal years will provide a onetime boost to the City's general fund and will facilitate other efficiencies in the handling of City finances.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the resolutions.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the resolutions for a proposed Charter Amendment to change the City's fiscal year.

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

Nays: None

MOTION PASSES

C. Zoning Administration Assistance Contract-LSL. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: With the departure of Brian Lazor, Acting Zoning Administrator, there is a need to provide assistance in the zoning administration area, until a new Zoning Administrator is hired. Staff sought proposals from two firms. One (the only local firm that may have been able to assist) did not have the time or staff available at this point. The other, LSL, was able to provide the type of assistance needed. LSL will provide a staff person, Joe Kinney, for two days a week in the office. Joe will also be available for consultation by phone.

FINANCIAL IMPACT: Costs to the City will be \$53/hr. for Joe's services. Additional services (e.g., writing zoning amendments) will be an additional cost.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the contract between the City of Muskegon and LSL Associates, Inc., and authorize the Mayor and Clerk to sign the contract.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the contract between the City of Muskegon and LSL Associates, Inc.

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

Nays: None

MOTION PASSES

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

SUMMARY OF REQUEST: This is to request City Commission concurrence with the

findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorize and directed to execute a contract for demolition with the lowest responsible bidder.

1463 Sixth – Area 10B

1463 Sixth was removed per staff request.

1983 Hoyt

CASE # & PROJECT ADDRESS: #EN030059 – 1983 Hoyt

LOCATION & OWNERSHIP: This structure is located on Hoyt between Holbrook and Keating Ave. It is owned by HUD.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted 2/19/04 and notice and order to repair/remove issued 2/20/04. On 6/3/04 the HBA declared the property substandard and dangerous building with a 60-day delay before forwarding to CC because there was a potential buyer for the property. There has been no further contact from that person.

OWNER CONTACT: The potential buyer was present at the HBA meeting, but has not made any further contact.

FINANCIAL IMPACT: The cost of demolition will be paid with General funds.

BUDGET ACTION REQUIRED: None.

SEV: \$16,100.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

ESTIMATED COST OF REPAIRS: \$15,000, plus the cost of interior repairs.

1530 Hoyt

CASE # & PROJECT ADDRESS: #EN040044 – 1530 Hoyt

LOCATION AND OWNERSHIP: This structure is located on Hoyt between E. Grand and Southern Avenue. It is owned by the Department of Veterans Affairs.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted 4/9/04 and notice and order to repair/remove issued the same day. An interior inspection was conducted with a realtor on 6/1/04. On 6/3/04 the HBA declared the property substandard and dangerous building.

OWNER CONTACT: The realtor for the property was present at the HBA meeting and agreed that the condition of the house is bad enough that his recommendation to the Dept. of Veterans would be to have the house demolished.

FINANCIAL IMPACT: The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None.

SEV: \$20,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

ESTIMATED COST OF REPAIRS: \$80,000. This structure does not appear to be salvageable.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 1983 Hoyt and 1530 Hoyt.

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

Nays: None

MOTION PASSES

523 W. Grand – Area 10B

523 W. Grand was removed from the agenda by staff.

458 Mulder

CASE # & PROJECT ADDRESS: #EN040029 – 458 Mulder.

LOCATION AND OWNERSHIP: This structure is located on Mulder between Wesley and Jackson Avenue. It is owned by Brian Bouman, who lives in Holland.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted 2/6/04 and notice and order to repair/remove issued 2/9/04. An interior inspection was conducted 2/13/04. On 6/3/04 the HBA declared the property substandard and dangerous building.

OWNER CONTACT: The owner scheduled the interior inspection and stated at that time he planned to start repairs in April and be finished in about 90 days. He was present at the HBA meeting with his realtor and then stated he was donating the house to Habitat for Humanity and they planned to demolish the house and rebuild there. Since then it was discovered the lot is not buildable and still owned by Mr. Bouman. There has been no further contact.

FINANCIAL IMPACT: The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None.

SEV: \$14,300.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

ESTIMATED COST OF REPAIRS: \$23,000.

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 458 Mulder.

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

Nays: None

MOTION PASSES

637 Amity – Area 11

CASE # & PROJECT ADDRESS: #EN030174 – 637 Amity.

LOCATION AND OWNERSHIP: This structure is located on Amity between Scott and Kenneth and is owned by Gustav Buchholz. The house was damaged by fire in 2002 and the City holds \$6,437 in escrow until the repairs are completed or demolition occurs.

STAFF CORRESPONDENCE: The owner was notified by the Fire Marshal on 6/12/02 of the insurance money being deposited in escrow. A board up notice was issued 3/11/02 and 4/21/03. A dangerous building inspection report was written 11/20/03 and Notice and Order to repair or remove was issued 12/3/03. On 1/8/04 the HBA declared the house substandard and dangerous.

OWNER CONTACT: The owner (at that time Jeanette Casson) was present at the 1/8/04 HBA meeting with a potential buyer (Gustav Buchholz) of the property who stated he intends to repair and live in the house. They were told at that time that even though the house was being declared, they would have 30 days in which the potential owner could bring in proof of ownership, schedule an interior inspection and submit a timetable for repairs. Mr. Buchholz scheduled an interior inspection for 1/29/04, but had to cancel and reschedule for personal reasons. The interior inspection was scheduled for 2/20/04. That inspection was also canceled and rescheduled for 2/24/04. This case has been scheduled to go before the City Commission on 2/24/04, but was removed from the agenda when the interior inspection was conducted. The owner was notified that permits had to be pulled by 3/31/04, 30 day progress inspections, and a completion date of 9/1/04. On 4/5/04 Mr. Buchholz applied for a building permit, but disagreed with the value of \$40,000 for repairs and did not take the permit out. He stated he would be back within a week and bring in estimates from his contractors to show what he believed to be the real value for the building permit. He was told at that time that he was already beyond the deadline date for pulling a permit and we could not promise him that in another week he would still be allowed to pull the permit. He left and came back 4/15/04 and dropped off estimates from a Wyoming building contractor for all of the work to be completed. The estimates given were from a contractor who is not registered with the City who has a "repair service" and his estimates were for

electrical, mechanical and plumbing which he is not licensed to do. Mr. Buchholz applied for the building permit 4/27/04 and was given 90 days due to the fact that he had already used up 2 of the 6 months originally given. He was told at the time of issuance that if significant progress was made the permit could be extended. On 7/22/04 an electrical permit was issued. No plumbing or mechanical permits have been pulled and no inspections called for.

FINANCIAL IMPACT: The cost of demolition will be paid with money that is escrowed from the fire.

BUDGET ACTION REQUIRED: None.

SEV: \$21,200

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

ESTIMATED COST OF REPAIRS: \$40,000.

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with the Housing Board of Appeals decision to demolish 637 Amity but defer bidding contract to October 1, 2004.

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

Nays: Davis

MOTION PASSES

PUBLIC PARTICIPATION

Various comments were heard from the public.

ADJOURNMENT:

The City Commission meeting adjourned at 8:00 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

Date: August 10, 2004
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Resolution for Charitable Gaming License

SUMMARY OF REQUEST: The Michigan Irish Music Festival of Muskegon is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They would like to hold a raffle at Heritage Landing during their festival on September 17 – 19.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

2004-72(b)

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

called to order by Mayor Warmington on August 10, 2004
DATE

at 5:30 PM the following resolution was offered:
TITLE

Moved by Commissioner Gawron and supported by Commissioner Spataro

that the request from MICHIGAN IRISH MUSIC FESTIVAL of MUSKEGON
NAME OF ORGANIZATION CITY

county of MUSKEGON asking that they be recognized as a
COUNTY NAME

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

gaming license, be considered for Approval
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: <u>7</u>	Yeas: <u> </u>
Nays: <u>0</u>	Nays: <u> </u>
Absent: <u>0</u>	Absent: <u> </u>

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

adopted by the City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on August 10, 2004
DATE

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

Gail A. Kunding, MMC, City Clerk

PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440
ADDRESS



Fax

To: Linda Potter	From: Joe Doyle
Fax: 724-4178	Pages:
Phone:	Date: 7/26/2004
Re: Raffle License application information.	CC:

Once approved, please fax back to me at 777-0440.

✓ 8-13-04 & mailed

Joe Doyle

JOE DOYLE
doylej@muskegoncc.edu
231-777-0300

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

NOV 29 2000

Date:

MICHIGAN IRISH MUSIC FESTIVAL
MUSKEGON
C/O CHRISTOPHER L KELLY
PO BOX 786
MUSKEGON, MI 49443-0000

Employer Identification Number:
38-3547788
DLN:
17053311024040
Contact Person:
ZENIA LUK ID# 31522
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
July 26, 2000
Advance Ruling Period Ends:
December 31, 2004
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

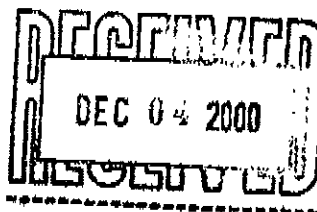
Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make

Letter 1045 (DO/CG)



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MICHIGAN IRISH MUSIC FESTIVAL

a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

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

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

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

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return. Because you will be treated as a public charity for return filing purposes during your entire advance ruling period, you should file Form 990 for each year in your advance ruling period.

Letter 1045 (DO/CG)

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MICHIGAN IRISH MUSIC FESTIVAL

that you exceed the \$25,000 filing threshold even if your sources of support do not satisfy the public support test specified in the heading of this letter.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Letter 1045 (DO/CG)

-4-

MICHIGAN IRISH MUSIC FESTIVAL

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Steven T. Miller

Steven T. Miller
Director, Exempt Organizations

Enclosure(s):
Form 872-C

Letter 1045 (DO/CG)

Date: August 10, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Sunny Mart
2021 Marquette

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Christine R. Singh to transfer ownership of the 2004 SDM Licensed Business from Indu Gupta.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C. N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720



June 28, 2004

To: City Commission through the City Manager

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

Re: Liquor License Request – 2021 Marquette (“Sunny Mart”)
Transfer of 2004 SDM Licensed Business

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Christine R. Singh of 3270 Roosevelt Rd., Apt. K2 in Muskegon.

Ms. Singh requests to transfer ownership of 2004 Class SDM licensed business located at 2021 Marquette Avenue from Indu Gupta. She has previous experience in the alcohol service industry and is aware of the Muskegon Police Department position on enforcing local alcohol laws and ordinances.

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

ALK/dl

Water Dept.
724-6718

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

POLICE INVESTIGATION REQUEST

(Authorized by MCL 436.1(4))

June 9, 2004

Request ID#: 263005

Muskegon Police Department
Attn: Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536
Chief Law Enforcement Officer

Applicant: Christine R. Singh, requests transfer ownership 2004 SDM licensed business, located at 2021 Marquette, Muskegon, MI 49442 in Muskegon County, from Indu Gupta.

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

Forward your report and recommendations of the applicant to the Licensing Division.

____ Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission. (None Needed)

If you have any questions, contact the Licensing Division at (517) 322-1400.

SR

LC-1972 Rev 01/02
4880-1658

6-23-04
J.O.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

**STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION**DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

sr

RID: 263005

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**BUSINESS NAME AND ADDRESS: (include zip code) Christine R. Singh
2021 Marquette, Muskegon 49442 Muskegon County (231) 777-2836

REQUEST FOR: transfer ownership 2004 SDM licensed business from Indu Gupta.

Section 1.**APPLICANT INFORMATION**APPLICANT #1:
Christine R. Singh

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
3270 Roosevelt Rd, Apt. K2
Muskegon, MI
(231) 578-8500

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 7-24-69

If the applicant is not a U.S. Citizen:

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

- ☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: None Needed

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

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

- ☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated
report if more space is needed)ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated
report if more space is needed)**Section 2.****Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**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 R. L. K...
Signature (Sheriff or Chief of Police)
Muskegon Police Department

6-28-07
Date

6-23-04

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

RID: 263005

RESOLUTION

2004-72(c)

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

called to order by Mayor Warmington on August 10, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Gawron and supported by Commissioner Spataro

That the request from Christine R. Singh to transfer ownership of the 2004 SDM Licensed Business at 2021 Marquette, Muskegon, MI, 49442, Muskegon County, from Indu Gupta

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 10, 2004.
(Date)

SEAL

(Signed) Gail A. Kunderger
(Township, City or Village Clerk)

Gail A. Kunderger, MMC
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

June 9, 2004

Request ID: 263005

Muskegon City Council
Attn: Clerk
933 Terrace Street, PO Box 536
Muskegon, MI 49443-0536

The Liquor Control Commission has received an application from: Christine R. Singh, requesting transfer ownership 2004 SDM licensed business, located at 2021 Marquette, Muskegon, MI 49442 in Muskegon County, from Indu Gupta.

Applicant: Christine R. Singh, 3270 Roosevelt Rd, Apt. K2, Muskegon, MI (231) 578-8500

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

SR
LC-3104 Rev. 6/90
4880-2068

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 06-28-04

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 Christine R. Singh having the business located at 2021 Marquette Street, Muskegon, MI. 49442.

Christine R. Singh, of 3270 Rosevelt Rd, Apt. K2, Muskegon MI, is requesting to transfer ownership of 2004 SDM licensed business, Sunny Mart, located at 2021 Marquette Street from Indu Gupta.

A check of MPD records and Criminal History 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

data/common/liquor/Singh

Christine R. Singh
Harvinder Singh
3270 Roosevelt Rd Apt K2
Muskegon, MI 49441

1531

Date 6.30.04

74-347/724
2894

Pay to the
Order of

city of Muskegon

\$ 250.00

two hundred and fifty dollars

Dollars



Security features
are included.
Details on back.



Huntington

www.huntington.com

For

[Signature]

⑆072403473⑆ 02173045974⑆01531

LIQUOR LICENSE REVIEW FORM

Business Name: Shiva Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christine R. SinghBusiness Address: 2021 MarquetteMuskegon, MI 49442

Reason for Review:

New License ☐Transfer of Ownership ☒Dance Permit ☐Drop/Add Name on License ☐Transfer Location ☐Drop/Add Stockholder Name ☐New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Public Safety Approved ☒ Denied ☐ Remaining Defects ☐Department Signature J. L. Klinger

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

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

June 9, 2004

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PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

SF
LC-3104 Rev. 6/90
4880-2068

LIQUOR LICENSE REVIEW FORM

Business Name: Shiva Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christine R. SinghBusiness Address: 2021 MarquetteMuskegon, MI 49442

Reason for Review:

New License ☐Transfer of Ownership ☒Dance Permit ☐Drop/Add Name on License ☐Transfer Location ☐Drop/Add Stockholder Name ☐New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income TaxApproved ☒Owing ☐

Amount: _____

Treasurer

Approved ☐Owing ☐

Amount: _____

Zoning

Approved ☐Denied ☐Pending ZBA ☐

Clerk's

Approved ☐Owing ☐

Amount: _____

Public Safety

Approved ☐Denied ☐Remaining Defects ☐

Department Signature

Donna O'K

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

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

June 9, 2004

Request ID: 263005

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Attn: Clerk
933 Terrace Street, PO Box 536
Muskegon, MI 49443-0536

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Applicant: Christine R. Singh, 3270 Rosevelt Rd, Apt. K2, Muskegon, MI (231) 578-8500

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Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

Sr
LC-3104 Rev. 6/90
4880-2068

6-25-09

LIQUOR LICENSE REVIEW FORM

Business Name: Shiva Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christine R. Singh

Business Address: 2021 Marquette

Muskegon, MI 49442

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☒

Amount: _____

\$ 8.17 WATER BILL
PAID 04E
13.67 DUE 7/19/04
\$ 21.84 TOTAL

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Public Safety

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

[Signature] 6/29/04

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

6-25-04
RECEIVED

JUN 26 2004

CITY OF MUSKEGON
PLANNING DEPARTMENT

LIQUOR LICENSE REVIEW FORM

Business Name: Shiva Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christine R. SinghBusiness Address: 2021 MarquetteMuskegon, MI 49442

Reason for Review:

New License ☐Transfer of Ownership ☒Dance Permit ☐Drop/Add Name on License ☐Transfer Location ☐Drop/Add Stockholder Name ☐New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

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Gail A. Kunderer,
Liquor License CoordinatorPlease Return
TO CLERK'STax
hire

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

June 9, 2004

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Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

SF
LC-3104 Rev. 6/90
4880-2068

LIQUOR LICENSE REVIEW FORM

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AKA Business Name (if applicable): _____

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Reason for Review:

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Other _____

Deadline for receipt of all information: _____

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Department Signature _____

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

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

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Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

SR
LC-3104 Rev. 6/90
4880-2068

6-25-04

LIQUOR LICENSE REVIEW FORM

Business Name: Shiva Mart

AKA Business Name (if applicable): _____

Operator/Manager's Name: Christine R. SinghBusiness Address: 2021 Marquette
Muskegon, MI 49442

Reason for Review:

New License ☐Transfer of Ownership ☒Dance Permit ☐Drop/Add Name on License ☐Transfer Location ☐Drop/Add Stockholder Name ☐New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Public Safety Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

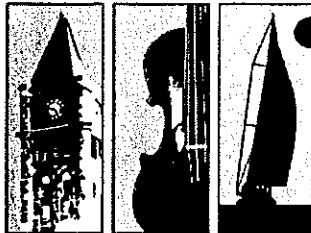
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

August 5, 2004

Ms. Christine R. Singh
3270 Roosevelt Rd., Apt. K2
Muskegon, MI 49441

Dear Ms. Singh:

This letter is to inform you that your request to transfer ownership of the 2004 SDM licensed business at 2021 Marquette, will be presented to the City Commission on August 10, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

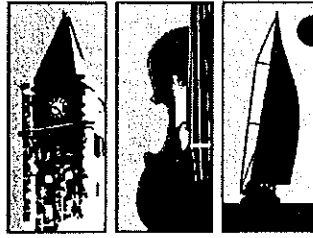
Public Works
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Treasurer
(231)724-6720
FAX (231)724-6768

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FAX (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

August 13, 2004

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

REF: #263005
Christine R. Singh
2021 Marquette
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the Resolution and form LC-1800 for Christine R. Singh, 2021 Marquette Avenue, that was recommended for approval at the August 10, 2004, City Commission Meeting.

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

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

Enc.

Commission Meeting Date: August 12, 2004

Date: July 30, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Lawrence Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1536 Lawrence Avenue (Parcel #24-610-000-0043-00) to Gloria Fisher of 430 Glen Oaks Drive, Apt 3B, Muskegon, MI. The lot is 80 x 132 ft. and is being offered to Ms. Fisher for \$6,750. The details of the home are not confirmed as of this date, but she will conform to all standard requirements of the City-owned property policy. The True Cash Value (TCV) for the property listed in the Assessor's office is \$9,000, so our price is set at \$6,750 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

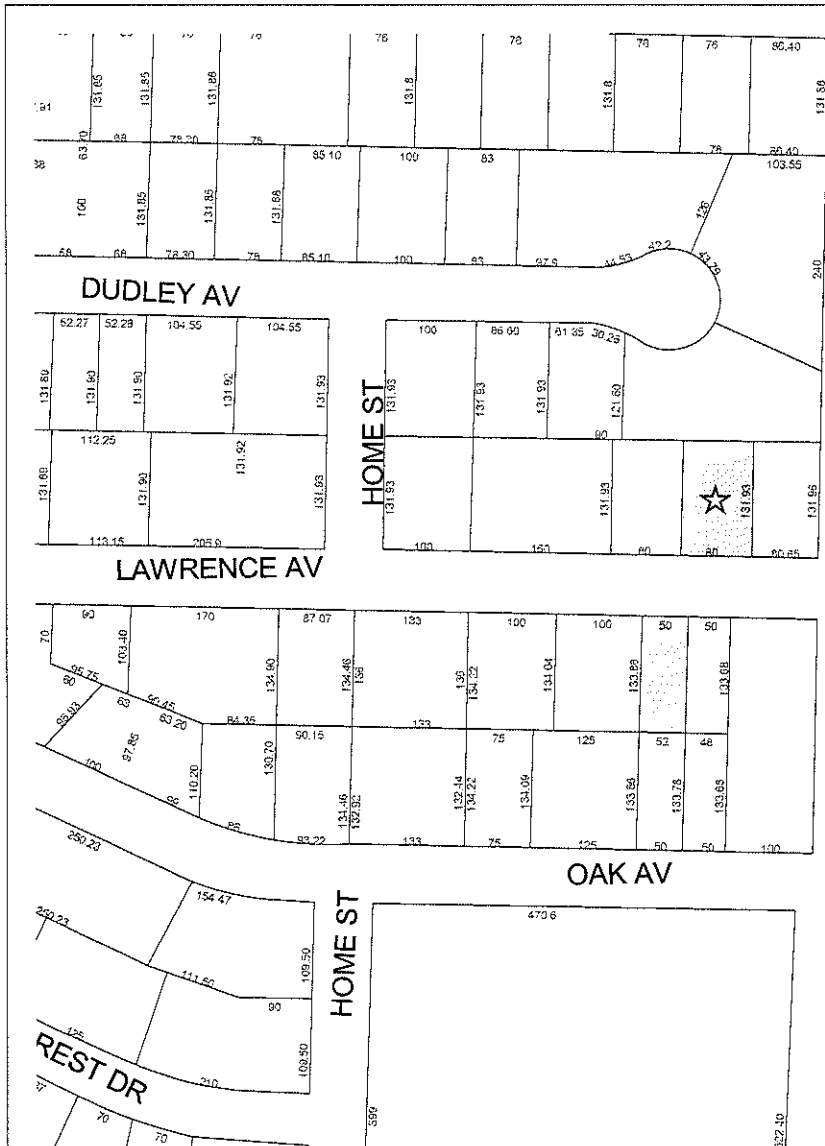
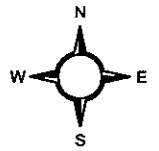
None

STAFF RECOMMENDATION:

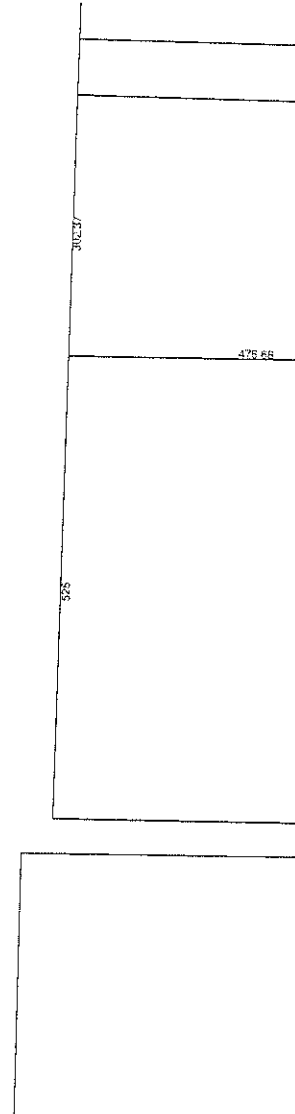
To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

COMMITTEE RECOMMENDATION:

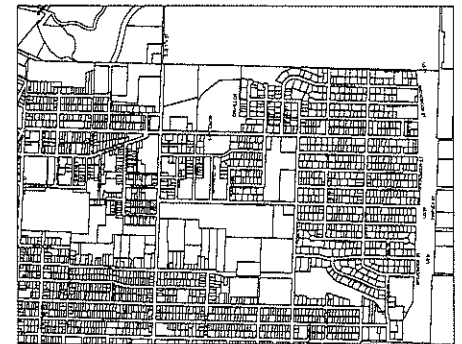
Vacant Buildable City-Owned Lot 1536 Lawrence Avenue



BROADMOOR ST



☆ = Subject Property(ies)
□ □ □ to be sold



Resolution No. 2004-72(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1536 LAWRENCE AVENUE IN MARQUETTE NEIGHBORHOOD FOR \$6,750.

WHEREAS, Gloria Fisher has placed a \$400 deposit for the parcel designated as parcel number 24-610-000-0043-00, located at 1536 Lawrence Avenue; and

WHEREAS, the price for parcel number 24-610-000-0043-00 is set by the City at \$6,750, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs; and

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-610-000-0043-00, located at 1536 Lawrence Avenue be sold to Gloria Fisher for \$6,750.

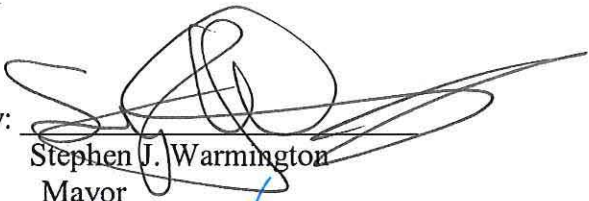
CITY OF MUSKEGON URBAN RENEWAL PLAT NO 1 LOT 43

Adopted this 10th day of August, 2004

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

Nays: None

Absent None

By: 

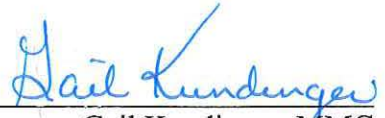
Stephen J. Warmington
Mayor

Attest: 

Gail Kunderinger, MMC
City 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 10, 2004.

By: 

Gail Kunderinger, MMC
City Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made August 10, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **GLORIA FISHER** of 430 Glen Oaks Drive, Apt. 3B, Muskegon, Michigan 49442 ("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 located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 1, LOT 43

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 Six Thousand Seven Hundred Fifth and no/100 Dollars (\$6,750.00).

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that 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 Land America 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, 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 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 Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and

driveway. The home shall be substantially completed within eighteen (18) months and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

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 Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **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 TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

8. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

9. **Closing.** The closing date of this sale shall be on or before _____, 200__ ("Closing"). The Closing shall be conducted at Land America Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

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

12. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

13. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

14. **General Provisions.**

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

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

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

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

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

f. **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.

g. **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.

h. **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:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

Gail A. Kunding
Gail A. Kunding, MMC, Clerk

BUYER:

Gloria Fisher
Gloria Fisher
SS No.: 371-54-7953

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **GLORIA FISHER** of 430 Glen Oaks Drive, Apt. 3B, Muskegon, MI 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 1, Lot 43

for the sum of Six Thousand Seven Hundred Fifth and no/100 Dollars (\$6,750.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 18th day of August, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on August 18, 2004, by
STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY
OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: June 22, 2004

Date: July 15, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: 18-Month Extension to Complete Construction of 4 Homes

SUMMARY OF REQUEST:

To approve an 18-month extension to allow Mr. Bill Ingalls extra time to complete construction of four single-family homes on Miner Avenue. The original agreement between the City and Mr. Ingalls stipulated that construction of four homes was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Ingalls has constructed two homes on the site and has a contract to begin the third. Since the 18-month time period typically pertains to people building one single family home, it makes sense that more time can be allowed for several homes to be built.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the attached resolution and deed.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2004-72(e)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING EIGHTEEN MONTH EXTENSION TO COMPLETE
CONSTRUCTION OF FOUR SINGLE-FAMILY HOMES ON MINER AVENUE AND
HARRISON COURT**

WHEREAS, Bill Ingalls has submitted a request for a time extension; and

WHEREAS, Bill Ingalls has shown a commitment to complete construction of four homes by the completion of two of the homes; and

WHEREAS, the completion of the two additional home will further enhance the ambiance of the City's residential area.

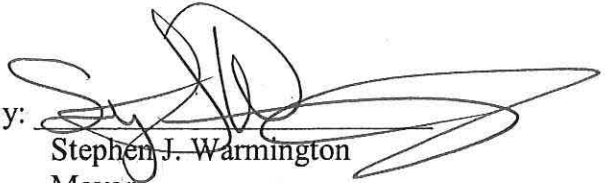
NOW THEREFORE BE IT RESOLVED, that Bill Ingalls be granted an additional eighteen months to complete construction of the two additional single-family homes at the property located on Miner Avenue and Harrison Court.

Adopted this 10th day of August 2004.

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

Nays: None

Absent None

By: 
Stephen J. Warmington
Mayor

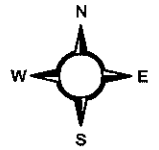
Attest: 
Gail Kunderinger, MMC
Clerk

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 10, 2004.

By: 
Gail Kunderinger
Clerk

Vacant Buildable City-Owned Lot 1078 Marquette Avenue



Commission Meeting Date: August 10, 2004

Date: August 3, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Clearance of three parcels on Walton

SUMMARY OF REQUEST: To approve the awarding of a contract to Andy's Tree Service 2691 Hall Road, Muskegon for the low bid of \$12,500. The CNS department received one other bid for the project from Professional Tree Services, Inc 1727 Beidler, Muskegon for \$17,240. The sites that will be cleared are 814 Murphy (66x140) 265 Walton (99x140) and 243 Walton (297x 140).

After the sites have been cleared the CNS office in partnership with Neighborhood Investment Corp and Fifth/Third Bank are proposing to build 4 to 6 homes on the site.

FINANCIAL IMPACT: Funding will be disbursed from previously approved HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the low bid by Andy Tree Service and direct the CNS to develop a contract with Andy's Tree Service for \$12,500

COMMITTEE RECOMMENDATION:

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

Assessor/Equalization
(231) 724-6708
FAX: (231) 726-5181

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

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

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

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

Community and
Neigh. Services
(231) 724-6717
FAX: (231) 726-2501

Computer Info.
Systems
(231) 724-6744
FAX: (231) 722-4301

Engineering Dept.
(231) 724-6707
FAX: (231) 727-6904

Finance Dept.
(231) 724-6713
FAX: (231) 724-6768

Fire Dept.
(231) 724-6792
FAX: (231) 724-6985

Income Tax
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FAX: (231) 724-6768

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

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

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

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

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

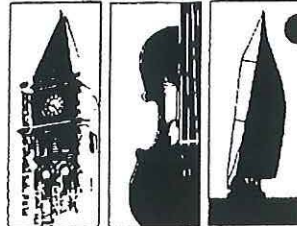
Public Works Dept.
(231) 724-4100
FAX: (231) 722-4188

Treasurer's Office
(231) 724-6720
FAX: (231) 724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Request for Proposals for Land Clearance for Walton Street Project

The City of Muskegon Community and Neighborhood Services office is requesting proposals for the clearance of 3 parcels on Walton Street between Murphy and Emerald.

814 Murphy 66' x 140'

243 Walton 297' x 140'

265 Walton 99' x 140'

Scope of Work: To remove all designated trees with the stumps ^{grounded} grinded down to the ground level. All trees and miscellaneous foliage that is cut should be properly removed from site and properly disposed of at contractor's expense.

At completion of work, chosen contractor is to contact the CNS office for inspection of all three sites before submitting bill for payment.

Bids should be returned to the City of Muskegon's CNS office by 5:00 pm, **Friday, July 30, 2004**. Bids may be mailed, faxed or hand delivered.

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
www.shorelinecity.com

COST ESTIMATE

814 Murphy	66' x 140	Total Clearance Cost	2250 ⁰⁰
265 Walton	99' x 140	Total Clearance Cost	5750 ⁰⁰
243 Walton	297' x 140	Total Clearance Cost	6500 ⁰⁰
		Grand Total	12,500 ⁰⁰

Please detail service to be provided.

THE COMPLETE REMOVAL OF ALL DESIGNATED TREES. TREES WILL BE CUT DOWN, BRUSH WILL BE PROCESSED THROUGH CHIPPER AND HAILED TO DUMP SITE FOR PROPER DISPOSAL AT ANDY'S TREE SERVICE'S EXPENSE. REMAINING WOOD WILL BE HAILED IN SAME MANNER. DUE TO THE TYPES OF TREES ON SAID LOT IT IS SUGGESTED THAT ALL STUMPS BE DIG OUT AND HAILED TO DUMP SITE. THE TREES ON SAID PARCELS (MAINLY LOCUST AND MULBERRY) HAVE TENDENCY TO GROW BACK IF ROOT SYSTEM IS NOT REMOVED. THEREFORE DIGGING STUMPS WOULD BE THE PROPER SOLUTION. REMOVAL OF STUMPS AND HAILING WOULD BE CONTRACTED. RESPONSIBILITY WOULD BE SOLELY THAT OF ANDY'S TREE SERVICE L.L.C.

THANK-YOU FOR YOUR CONSIDERATION.

Curtis Andrews
OWNER/OPERATOR

PROFESSIONAL
TREE SERVICES, INC.



COST ESTIMATE

DAVID MILLS, OWNER

1727 BEIDLER
MUSKEGON, MI 49441

(231) 773-3164
CELL 557-9571)
PAGER 712-0978

Total Clearance Cost \$ 1000

265 Walton 99' x 140

Total Clearance Cost \$ 2000

243 Walton 297' x 140

Total Clearance Cost \$ 14240

Grand Total \$ 17240

Please detail service to be provided.

Cut & remove from site all trees.
Dig out & remove all stumps.
Clear away all brush & tall weeds.
Fill stump holes with sand -
complete rough grading.

Thank you

David Mills

Professional Tree Service

Date: August 10, 2004
To: Honorable Mayor and City Commissioners
From: City Clerk, Gail Kunding
RE: Accept Resignation from the Civil Service Commission

SUMMARY OF REQUEST: To accept the resignation of Deborah Smith from the Civil Service Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To accept resignation.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended acceptance of the resignation.

Commission Meeting Date: August 10, 2004

Date: August 2, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Approval of Purchase Agreement for City/State
Lots on Clay Avenue- City of Muskegon and
Brenda Moore

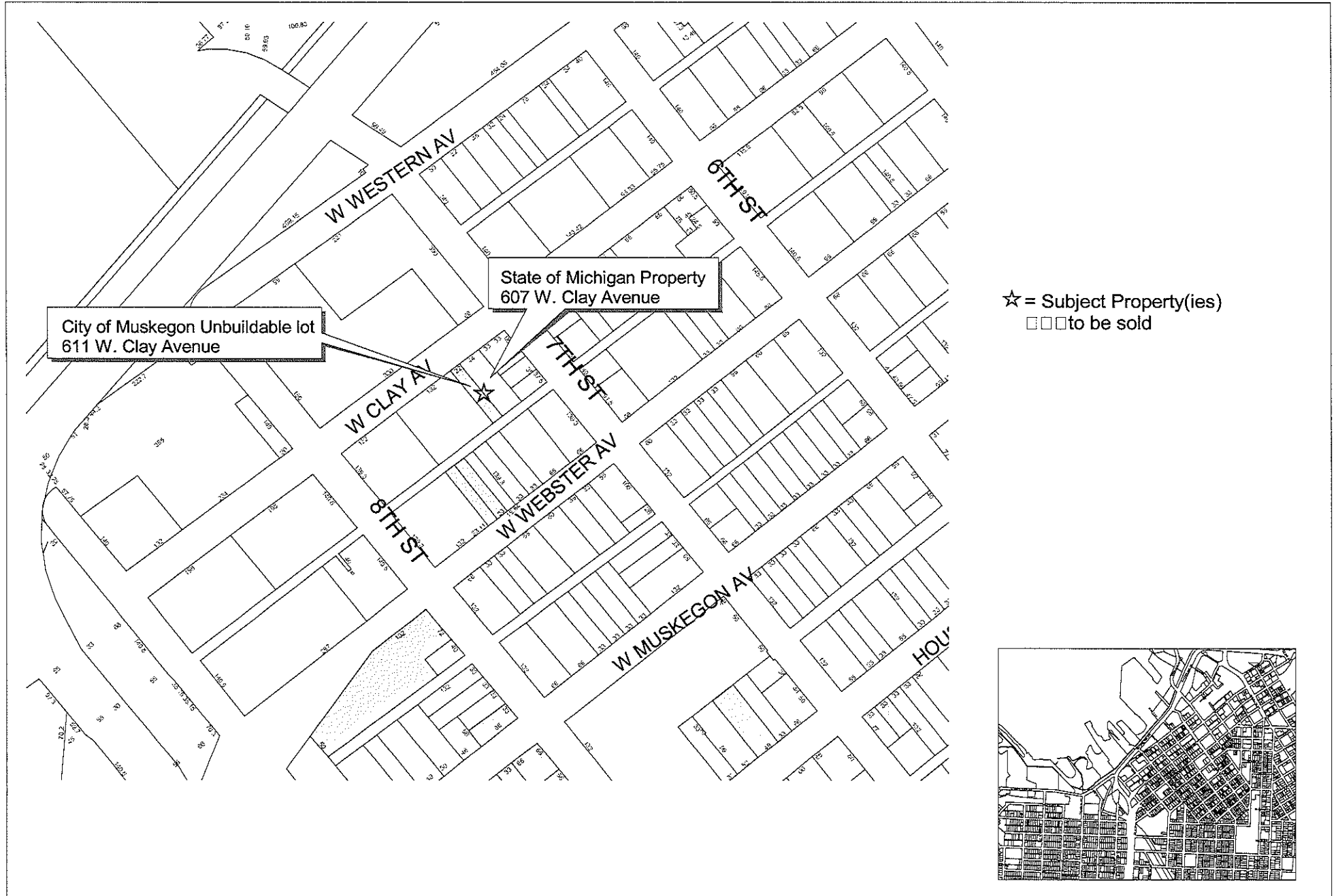
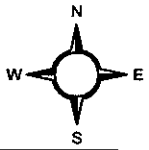
SUMMARY OF REQUEST: Brenda Moore has purchased the former Freres Gas Station on Laketon Avenue. She would like to move the building to a lot owned by the City of Muskegon on Clay Avenue (see attached map) and the adjacent lot (now owned by the State, but requested for purchase by the City). The attached purchase agreement allows the lots to be sold to Ms. Moore, on the condition that the City obtain the deed for the State-owned lot by December 31, 2004. After closing on the property, Ms. Moore will have 18 months to move the building to the site and make improvements. She will provide a \$30,000 performance bond, in the event the improvements are not made within the time allotted. Ms. Moore intends to improve the building for a commercial/retail use.

FINANCIAL IMPACT: The City will receive \$2,500 for the lots. The purchase price takes into consideration that the building is a historic structure being moved into a Heritage District and will be appropriately placed in this location.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Real Estate Purchase Agreement and authorize the Mayor and Clerk to sign the contract.

Vacant Non-Buildable City-Owned & State Lots 611 & 607 W. Clay Avenue



REAL ESTATE PURCHASE AGREEMENT

2004-73(a)

THIS AGREEMENT is made August 10, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **BRIMO, LLC**, 1873 Harrison Street, Muskegon, Michigan 49441 ("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 located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described in Exhibit A 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. The Premises consists of two parcels. Parcel A is a buildable lot presently owned by the State of Michigan. Seller is in the process of attempting to gain ownership of such. Parcel B is a non-buildable lot owned by Seller. Seller is unwilling to sell, and Buyer refuses to buy, Parcel B without Parcel A.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Two Thousand Five Hundred Dollars (\$2,500.00). In addition, Buyer and Seller acknowledge that the property is located in a heritage zoning district and a historic structure is to be re-located to the Premises, which is of additional consideration.

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

4. **Title Insurance.** Seller agrees to deliver to Buyer or Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Land America 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, 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 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 Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to relocate a historic structure formerly located at 793 W. Laketon Avenue on the premises within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the structure and driveway. The structure shall be substantially completed, up to code, within eighteen (18) months of the closing of this transaction. Buyer shall provide to Seller a Performance Bond, in form acceptable to Seller, in the amount of \$30,000. In the event said substantial completion has not occurred, in the sole judgment of the Seller, Seller shall have the right to exercise on the Performance Bond and use the proceeds of such to complete the rehabilitation of the structure. The covenants in this paragraph shall survive the closing and run with the land.

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 Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **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 TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT SHE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

8. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

9. **Closing.** As a condition precedent to closing, Seller must have acquired Parcel A from the State of Michigan by December 31, 2004. If Seller has not acquired Parcel A by December 31, 2004, this Real Estate Purchase Agreement shall terminate and Buyer and Seller shall have no further obligations pursuant to this Real Estate Purchase Agreement. The closing date of this sale shall be on or before ninety (90) days after the City is the owner of Parcel A, but no later than March 30, 2005. ("Closing"). The Closing shall be conducted at Land America Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a Quit Claim deed to Buyer at Closing for the Premises.

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

12. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

13. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

The closing fee by Land America shall be split by the parties.

14. **Representation of Neither Party.** The parties have reached an agreement in this matter independent of any representation from the law firm of Parmenter O'Toole. The parties acknowledge that Parmenter O'Toole has represented both Buyer and Seller currently and in the past in various matters. However, Parmenter O'Toole has never in any capacity represented either party in this transaction or in any negotiations between Seller and Buyer. The parties have requested that Parmenter O'Toole draft this Agreement consistent with their agreement and Parmenter O'Toole has agreed to do so acting only as a scrivener. Parmenter O'Toole has drafted this Agreement on behalf of neither party, but it may contain provisions that may be adverse to Buyer or Seller. Both parties are strongly encouraged to retain independent counsel to review the documents and advise the parties. Both parties agree they have not retained Parmenter O'Toole in this transaction other than to put their agreement in writing and neither shall depend on Parmenter O'Toole for legal advice with regard to this transaction.

15. **General Provisions.**

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

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

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

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

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

f. **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.

g. **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.

h. **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:

Linda Potter
Linda Potter

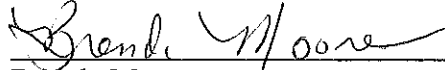
Irene Dempsey
Irene Dempsey

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Mayor

Gail A. Kundergei
Gail A. Kundergei, MMC, Clerk

BUYER:


Brenda Moore

PREPARED BY:

John C. Schrier (P36702)
PARMENTER O'TOOLE
175 W. Apple Avenue
Muskegon, Michigan 49440
Phone: (231) 722-1621

EXHIBIT A
LEGAL DESCRIPTIONS

PARCEL A: City of Muskegon Revised Plat of 1903, East 2/3 of Lot 2 of Block 322
(common address: 607 W. Clay)

PARCEL B: City of Muskegon Revised Plat of 1903, West 1/3 Lot 2 of Block 322
(common address: 611 W. Clay)

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **BRIMO, LLC** of 1873 Harrison Street, Muskegon, Michigan 49441,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

PARCEL A: City of Muskegon Revised Plat of 1903, East 2/3 of Lot 2 of Block 322
(common address: 607 W. Clay)

PARCEL B: City of Muskegon Revised Plat of 1903, West 1/3 Lot 2 of Block 322
(common address: 611 W. Clay)

for the sum of: Nine Thousand Dollars (\$2,500.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete the relocation of a historic structure formerly located at 793 W. Laketon Avenue upon the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for the relocation of a historic structure formerly located at 793 W. Laketon Avenue and driveway. "Complete relocation" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Deputy Director of Public Safety, relocation of the historic structure described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcels described above shall be improved with the relocation of a historic structure formerly located at 793 W. Laketon. These covenants and conditions shall run with the land.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 1st day of November, 2004.

Signed in the presence of:

Linda Potter
Linda Potter
Irene Dempsey
Irene Dempsey

CITY OF MUSKEGON

By Stephen J. Warmington
Stephen J. Warmington, Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on ~~September~~ ^{November} 1, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: July 27, 2004

Date: July 20, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment for alcohol sales

SUMMARY OF REQUEST:

Request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend language regarding alcohol sales.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/15 meeting. T. Harryman, B. Mazade, P. Sartorius, T. Johnson, T. Michalski, and L. Spataro voted in favor of the change. B. Smith voted against. S. Warmington and J. Aslakson were absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 13, 2004

Hearing; Case 2004-28: Staff initiated request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

BACKGROUND

The Planning Commission has asked staff to come up with language to possible allow the sale of alcohol under special use permit in the residential zone. Staff has consulted with the City Attorney about the language and that is provided below. Since the language is the same in all residential districts except the MHP, Mobile Home Park district, staff feels to be consistent the language if approved should be applied to all residential districts except the MHP district.

New Language

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

6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.

- b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; ~~uses serving or selling alcohol~~, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
- c. Conditions:
 - 1) Outdoor storage is prohibited.
 - 2) The area devoted to approved uses shall not exceed 2,500 square feet.
 - 3) All goods produced on the premises shall be sold at retail on the premises where produced.
 - 4) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
 - 5) Parking shall be accommodated on site or with limited street parking.
 - 6) Hours of operation may be limited by the Planning Commission.
 - 7) Signs must comply with those set forth for the residential zoning district.
 - 8) **The Planning Commission may allow a use to serve or sell alcohol, however the Commission may limit the type of license obtained for the sale of alcohol (SDD or SDM, with or without dancing), hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be ~~served or sold~~.**

DELIBERATION

I move that the amendments to Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) of the Zoning Ordinance be recommended to the City Commission for (approval/denial).

Excerpt from draft of Minutes from July 15, 2004 Planning Commission Meeting

Hearing; Case 2004-28; Staff initiated request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol. B. Lazor presented the staff report. The Planning Commission has asked staff to come up with language to possibly allow the sale of alcohol under special use permit in the residential zone. Staff has consulted with the City Attorney about the language and that is provided below. Since the language is the same in all residential districts except the MHP, Mobile Home Park district, staff feels to be consistent the language if approved should be applied to all residential districts except the MHP district. The proposed language was provided to the commission members. The City Attorney had looked over the proposed language.

L. Spataro stated that he felt this is good. He suggested some time restraints for renewal of the Special Use Permits that this would be effective in. He had suggested every 3 years. P. Sartorius felt this should be a condition on a case by case basis. T. Johnson stated that this should be approved by the LCC. He has a problem with the idea as a whole. He felt that they were taking 1 situation and changing it for all the zoning areas proposed. He felt that this could cause a real problem. T. Harryman stated that he understands the concerns. He looks at trying to keep the small stores in the neighborhood. He would like to keep this at the Planning Commission level. T. Johnson explained the reason behind the current zoning language. L. Spataro understood the need for a legacy store in residential zoning districts. He also added that there aren't that many left in the City. S. Norman stated that he lives near 407 Marquette. He has seen how the times have changed and this neighborhood is good and stable. The previous owner promised that there would be no alcohol or lotto sales. He described the area surround this store. He would be opposed to changing the language to allow for the sale of alcohol. P. Sartorius explained that this isn't just for the 1 property, it would be allowed in all the residential zones. C. Shepherd stated that she understood the dilemma the commission members are in. She also understands why this came up. She didn't feel this needed to be discussed and doesn't feel this should be changed. She is opposed to changing the language. B. Joy-Holmes stated that she also didn't want to see alcohol sales in the Jackson Hill neighborhood. P. Sartorius stated that if the zoning language were to change, the owner of 407 Marquette would need to apply for a Special Use Permit and there would be a public hearing to address any concerns that the neighbors may have regarding the sale at that location. L. Spataro explained how the zoning language change had come about. He explained the difference between rezoning a property or having the sale of alcohol as a SUP in a residential zoning district. Should a property be rezoned for business, then they would be allowed to sell alcohol. If the zoning language for a residential zoning district is changed to include alcohol sales under a SUP, then they would need to go before the PC and it would need to be approved. At that time, the public may comment, conditions can be placed on the SUP (hours of operation was an example given), and if the conditions of the SUP are violated, it may be revoked. S. Norman felt that the neighborhood should have a say in any time limits that are placed on it.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

T. Johnson stated his concerns and asked if this were to pass, what would happen with 407 Marquette at the City Commission level for the rezoning request. L. Spataro explained that the rezoning request was put on hold pending his request. He felt that this was a better compromise. T. Harryman stated that he would prefer the language change over the rezoning of a property to allow for it. T. Michalski stated that the PC can revoke an SUP. He felt that if they limit the hours of operation, then they should be consistent with the time no matter which neighborhood it is in. This will help strengthen a neighborhood. B. Mazade stated that based on the previous meeting minutes and discussions, this would be a good compromise. The commission members discussed changes to the language and they are as follows:

New Language (Proposed by Planning Commission)

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

6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.
 - b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large

equipment; ~~uses serving or selling alcohol~~, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.

c. Conditions:

- 1) Outdoor storage is prohibited.
- 2) The area devoted to approved uses shall not exceed 2,500 square feet.
- 3) All goods produced on the premises shall be sold at retail on the premises where produced.
- 4) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
- 5) Parking shall be accommodated on site or with limited street parking.
- 6) Hours of operation ~~may~~ shall be limited by the Planning Commission in the SUP.
- 7) Signs must comply with those set forth for the residential zoning district.
- 8) **The Planning Commission may allow a use to ~~serve or~~ sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol (~~SDD or to an SDM, with or without dancing~~), hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be served or sold.**

A motion that the amendments to Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) of the Zoning Ordinance be recommended to the City Commission for approval, was made by L. Spataro, supported by T. Johnson and approved with B. Smith voting nay.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2138

An ordinance to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 401 of Article IV (R-1, Single Family Residential) [#6]; Section 601 of Article VI (RT, Two Family Residential)[#9]; Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential)[#5]; Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential) [#3]; Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) [#1] are hereby amended to permit alcohol sales under the special use language:

6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.

- b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
- c. Conditions:
 - 1) Outdoor storage is prohibited.
 - 2) The area devoted to approved uses shall not exceed 2,500 square feet.
 - 3) All goods produced on the premises shall be sold at retail on the premises where produced.
 - 4) All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
 - 5) Parking shall be accommodated on site or with limited street parking.
 - 6) Hours of operation shall be limited by the Planning Commission in the SUP.
 - 7) Signs must comply with those set forth for the residential zoning district.
 - 8) The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be sold.

This ordinance adopted:

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

Nays: Shepherd

Adoption Date: August 10, 2004

Effective Date: August 24, 2004

First Reading: July 27, 2004

Second Reading: August 10, 2004

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, 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 August 10, 2004, 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 10, 2004.

Gail A. Kunding
Gail A. Kunding, MMC
Clerk, City of Muskegon

Date: August 10, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Nims Street Tank Painting

SUMMARY OF REQUEST:

Reject all bids on the Nims street tank. On July 27, we received four (4) bids from qualified contractors to paint the Nims street Tank with M.K. Painting, Inc. out of Lincoln Park, MI being the lowest bid of \$359,550.00 (see attached bid tabulation).

FINANCIAL IMPACT:

The construction cost of \$359,550.00 plus associated engineering costs.

BUDGET ACTION REQUIRED:

None.

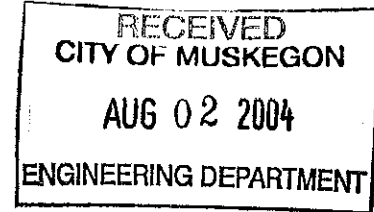
STAFF RECOMMENDATION:

Reject all bids due to budget constrains

COMMITTEE RECOMMENDATION:

July 29, 2004

Mohammed Al-Shatel, PE
City of Muskegon
933 Terrace Street
Muskegon, MI 49443-0536



RE: Notice of Award and Agreement

We have reviewed the bids for the painting of the 1,000,000-gallon Nims Street tank. We recommend award of the project to M.K. Painting, Inc, the apparent low bidder, with his bid of \$359,550. M.K. Painting, Inc. is on our prequalified list of tank painting contractors.

The Engineers estimate for the project was \$440,000. The prices received were very competitive as the bidders were aggressive with their pricing. We highly recommend awarding the project for the fall. It is very unlikely you will receive better pricing by bidding next spring.

I have enclosed three copies of the Notice of Award and four copies of the Contract Agreement. The Notice of Award requires dating and signature. The three copies of the Notice of Award (signed and dated) and the Contract Agreement (unsigned) shall be sent to the Contractor. The Contractor shall be instructed to sign and deliver the Notice of Award, Contract Agreement and submit the required bonds and insurance certificate. The Contractor shall keep one copy of the Notice of Award for his records.

The Owner will execute the Contract Agreement after receiving and reviewing the required bonds and insurance certificate. NTEC will compile and prepare the fully executed Contract Document package for each party.

Respectfully,

A handwritten signature in dark ink, appearing to read "Keith A. Nelson".

Keith A. Nelson, PE
President

Encl: NOA, Agreement, Bids

Bid Tabulations
City of Muskegon
1,000,000 Gallon Elevated Tank
Exterior Painting and Minor Repairs

PLANHOLDERS	1. Concrete Repairs	2. Weld Cathodic Caps	3. Radial Arm Seam Sealing	4. Exterior Repaint(Containment)	5. Electrical Relocation	6. Cage Modification	7. Exposure Assessment	Total (1-7)	Bid Bond
M.K. Painting, Inc.	\$5,000.00	\$3,000.00	\$7,000.00	\$327,750.00	\$14,600.00	\$1,000.00	\$1,200.00	\$359,550.00	10 %
G & M Painting Enterprises	\$4,900.00	\$3,700.00	\$6,000.00	\$378,000.00	\$14,600.00	\$4,900.00	\$1,200.00	\$413,300.00	5 %
Horizon Brothers Painting & Construction	\$1,000.00	\$2,500.00	\$13,000.00	\$416,200.00	\$14,600.00	\$2,000.00	\$1,200.00	\$450,500.00 *	5 %
George Kountoupes Painting Co.	\$2,800.00	\$2,400.00	\$7,250.00	\$364,000.00	\$14,600.00	\$2,150.00	\$1,200.00	\$394,400.00	5 %

*Denotes error in computation

Date: August 10, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Proposed Charter Amendment to Change City's Fiscal Year

SUMMARY OF REQUEST: As set in city charter, the city's fiscal year is currently the same as the calendar year (January 1 – December 31). This is inconsistent with the federal, state and virtually all other Michigan municipal fiscal years. Staff has weighed the pros and cons of changing fiscal years and believes that there are sufficient benefits to make it worthwhile to propose a charter amendment. Accordingly, the two attached resolutions have been prepared which, if approved by the Commission, would place the following two questions on November's ballot:

1. *Shall the Muskegon City Charter be amended to provide that the fiscal year for the City be established by an ordinance adopted by the City Commission? The Charter now provides that the fiscal year shall begin January 1.*
2. *Shall the Muskegon City Charter be amended to provide that the date the City Manager submits the budget to the City Commission and the date the City Commission adopts the budget shall be set by ordinance? The Charter now provides that the City Manager must submit the budget by September 1 and the City Commission must adopt it by September 25.*

FINANCIAL IMPACT: Placing this item on the November general election ballot avoids the costs of a special election. If approved, the change in fiscal years will provide a onetime boost to the city's general fund and will facilitate other efficiencies in the handling of city finances (see accompanying memo).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the attached resolutions.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

Memo

To: City Commission City Manager
From: Finance Director
Date: August 2, 2004
Re: Fiscal Year Change

Chapter VIII, Section 1 of the City Charter provides that "(t)he fiscal year of the City shall begin January first." To the best of my knowledge, this provision has not changed since the charter was adopted in 1919. The current budget challenges facing the city have prompted staff to explore whether changing fiscal years could provide practical and/or financial benefits that outweigh the political and administrative costs of making such a change. We have concluded that it is in the city's best interest to change fiscal years; however, it is not yet clear which fiscal year alternative is best for the city.

Theoretically, any date could serve as the city's fiscal year-end. However, September 30 or June 30 fiscal year-ends are the two most logical options. Following are some of the issues weighing for and against each alternative:

September 30 Fiscal Year-end

Pros:

- Consistent with federal, state and Muskegon County fiscal years – this would facilitate the city's grant accounting and revenue budgeting functions. As an example, as we prepare the city's 2005 budget, we have no official state projections of state shared revenues beyond September 30, 2005.

- *Probable* one-time increase to fund balance – Since city property taxes are collected entirely at the start of our present fiscal year (i.e. winter), a transitional 9-month fiscal period would include a full year's property taxes. This should provide an increase to our beginning fund balance for a new fiscal period starting October 1. Assuming other property tax collecting bodies (e.g. DDA, LDFA, and TIFA) under the city's aegis also change fiscal years, similar one-time benefits would be realized by them.

However, it must be cautioned that the property tax benefit would be somewhat offset by these negative factors:

- State-shared revenues – Based on historical payment patterns, it is estimated that we would receive only about 67% of our annual state shared revenues during the 9-month stub year (75% of full-year) period. (\$376,000 loss)
- CATV Franchise – We would receive only one payment (50%) during the 9-month period. (\$67,500 loss)
- Summer spending – Spending for general fund activities peaks in the summer months with special events overtime, seasonal labor, and parks & recreation activities. A September 30 fiscal year would include all of this peak spending.

Staff reviewed last year's data and estimates that had the city ended its fiscal year on September 30 2003, the general fund fund balance would have been about \$613,000 higher than the actual results for December 31, 2003:

	Actual FY Ended December 31, 2003	Estimated FY Ended September 30, 2003
Beginning Fund Balance	\$2,807,996	\$2,807,996
Revenues	23,328,756	17,826,939
Expenditures	23,705,334	17,590,408
Ending Fund Balance	\$2,431,418	\$3,044,527

- Lower Audit Fees – the current December 31 fiscal year-end means that the annual independent audit is conducted during the first four months of the calendar year or, in other words, tax preparation season. Changing from a

December 31 year-end would very likely result in more competition for the city's audit contract and lower audit fees.

- Budget Calendar – A September 30 fiscal year could fit with the city's current budget calendar – i.e. budget submitted by September 1 and adopted by September 25 for year beginning October 1.

Cons:

- Complicates budgeting/accounting for capital projects since most projects are undertaken in the summer months but are not completed by September 30.

June 30 Fiscal Year-end

Pros:

- Consistent with most other Michigan cities' fiscal years – this would have little direct advantage other than to make data comparisons with other cities more meaningful.
- One-time increase to fund balance – The one-time effect would be more pronounced with a June 30 fiscal year since a full year's property taxes would be compressed into just a six-month stub period. Also, some of the offsets experienced with a September 30 fiscal year (e.g. summer spending) are avoided.

Again, staff reviewed last year's data and estimates that had the city ended its fiscal year on June 30 2003, the general fund fund balance would have been about \$1,486,000 higher than the actual results for December 31, 2003:

	Actual FY Ended December 31, 2003	Estimated FY Ended June 30, 2003
Beginning Fund Balance	\$2,807,996	\$2,807,996
Revenues	23,328,756	12,853,018
Expenditures	23,705,334	11,743,041
Ending Fund Balance	\$2,431,418	\$3,917,973

- Lower Audit Fees – Again, the impact would likely be greater since the summer months are the slowest period for most CPA firms.
- There is rumor of the state changing to an all-summer, unified property tax bill. If this were to be mandated, a June 30 fiscal year would be preferable from a cashflow standpoint. With a September 30 fiscal year, summer property taxes would be collected at the end of the year potentially requiring the city to borrow for cashflow purposes.

Cons:

- Not consistent with state or federal fiscal years.

Staff believes it is in the city's best interest to propose a charter amendment that gives the city commission authority to set the fiscal year by ordinance. This will provide the necessary flexibility for future commissions to deal with state mandates (such as the unified summer tax bill). The city attorney has prepared resolutions to place this issue on the November general election ballot. This will avoid the cost of a special charter election.

If the ballot proposition is successful, the city commission could adopt ordinances in December 2004 to effect a fiscal year change in 2005.

Finally, it must be emphasized that changing the city's fiscal year does not in anyway raises taxes or fees on citizens. Property taxes will still be levied as they currently are. The proposed change is purely administrative and allows city finances to be handled more efficiently and effectively.

Thank you and please let me know if you have any questions.

CITY OF MUSKEGON

Resolution No. 2004-74(b¹)

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon an Amendment to the City Charter concerning the dates for submission and adoption of the City's budget.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Amend Chapter VIII, Section 3 of the Charter, to read in its entirety as follows:

Section 3.

By the dates established by ordinance adopted by the City Commission, the City Manager shall submit to the City Commission an estimate of the contemplated expenditures and revenues for the ensuing year and the City Commission shall determine the amount and purpose of the necessary expenditures for such year and shall adopt a resolution fixing the amount of the appropriation to be made therefor. Provided, however, that the amount appropriated shall comply with Article 9 of the State Constitution of Michigan [1963] and be based on the assessable property of the City as established by the assessment roll for the current year.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

Shall the Muskegon City Charter be amended to provide that the date the City Manager submits the budget to the City Commission and the date the City Commission adopts the budget shall be set by ordinance? The Charter now provides that the City Manager must submit the budget by September 1 and the City Commission must adopt it by September 25.

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

CITY OF MUSKEGON

Resolution No. 2004-74(b²)

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon an Amendment to the City Charter concerning establishing the fiscal year of the City.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Amend Chapter VIII, Section 1 of the Charter, to read in its entirety as follows:

Section 1. Fiscal year.

The fiscal year of the City shall be established by ordinance adopted by the City Commission.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

Shall the Muskegon City Charter be amended to provide that the fiscal year for the City be established by an ordinance adopted by the City Commission? The Charter now provides that the fiscal year shall begin January 1.

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

THIS RESOLUTION ADOPTED:

AYES Shepherd, Spataro, Warmington, Carter, Davis, Gawron,
and Larson

NAYES None

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC, Clerk

CERTIFICATE

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 10th day of August, 2004, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

Gail A. Kunderger
Gail A. Kunderger, MMC, Clerk

Commission Meeting Date: August 10, 2004

Date: August 2, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Zoning Administration Assistance Contract- LSL

SUMMARY OF REQUEST: With the departure of Brian Lazor, Acting Zoning Administrator, there is a need to provide assistance in the zoning administration area, until a new Zoning Administrator is hired. Staff sought proposals from two firms. One (the only local firm that may have been able to assist) did not have the time or staff available at this point. The other, LSL, was able to provide the type of assistance needed. LSL will provide a staff person, Joe Kinney, for two days a week in the office. Joe will also be available for consultation by phone.

FINANCIAL IMPACT: Costs to the City will be \$53/hr for Joe's services. Additional services (e.g., writing zoning amendments) will be an additional cost.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached contract between the City of Muskegon and LSL Associates, Inc., and authorize the Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION: None.

2004-74(c)
CITY OF MUSKEGON
INDEPENDENT CONTRACT FOR SERVICES

This Agreement is effective on August 10, 2004, between City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, MI 49443 ("City"), and Langworthy Strader LeBlanc & Associates, a Michigan limited liability company, of 15 Iona SW, Suite 450, Grand Rapids, Michigan 49505 ("LSL"), with reference to the following facts:

Background

- A. City needs additional staffing, on a short-term basis, in its Community and Economic Development Department.
- B. LSL possesses the qualifications, skills, and experience suitable for undertaking such assistance.

Therefore, the parties agree as follows:

1. **LSL's Qualifications.** LSL represents and warrants that it is, and, at all times shall be, qualified and professionally competent to provide the professional services required under this Agreement.
 2. **Terms and Termination.**
 - a. This Agreement shall be effective on July 27, 2004, and shall remain in full force and effect until terminated by either party.
 - b. This Agreement may be terminated by either party without cause upon fourteen (14) days written notice to the other party.
 3. **Duties and Compensation of LSL.** LSL shall perform the activities set forth on attached Exhibit A. LSL will assign Joseph Kinney, at a rate of \$53 per hour, to carry out the duties set forth in Exhibit A. Deb Steenhagen, at a rate of \$65 per hour, will provide secondary support in the event Mr. Kinney is unavailable at any given time or needs other assistance. Other LSL staff will be made available and authorized, if needed and only with prior authorization from Cathy Brubaker-Clarke, to address specific issues or requests at the rates specified in Exhibit C. Payment shall be based upon invoices, which shall be paid monthly. LSL shall also be entitled reimbursable expenses, which are pre-approved by the City. Mileage shall be reimbursed at 37.5 cents per mile.
- LSL shall perform Services at Muskegon City Hall. At all times under this Agreement, LSL shall maintain regular contact with staff employed by City.
4. **Duties of City.** City agrees that it shall provide to LSL staff those items specified in Exhibit B. In addition, City agrees that it shall not hire either Joseph Kinney or Deb Steenhagen as a city employee during the life of this contract or for twelve (12) months after its expiration.

City agrees that it shall not ask LSL to work on, assist or comment upon any project concerning Hackley Hospital located in the City.

5. **No Other Benefits.** LSL shall not be entitled to receive any benefits other than those set forth in this Agreement.

6. **Expenses.** LSL shall be responsible to pay for all expenses incurred by LSL related to the performance of its duties under this Agreement and for all compensation owed to Joseph Kinney and Deb Steenhagen.

7. **Insurance and Indemnity.**

a. **Hold Harmless Agreements.** To the fullest extent permitted by law, LSL agrees to defend, pay in behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees, volunteers, and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers, or others working on behalf of the City, arising out of or is any way connected or associated with this contract. The obligation to defend and hold harmless extends to City's employees, agents, subcontractors, assigns and successors.

b. **City Insurance Requirement.** LSL shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to City.

c. **Workers' Compensation Insurance.** LSL shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.

d. **Commercial General Liability Insurance.** LSL shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all explosion, Collapse and Underground (SCU) exclusions, if applicable.

e. **Additional Insured.** Commercial General Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds": The City, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. The endorsement adding the City as additional insured shall read exactly as follows: "The City of Muskegon is hereby added as an additional insured..."

f. **Cancellation Notice.** Workers' Compensation Insurance and Commercial General Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT."

g. **Proof of Insurance Coverage.** The City and LSL shall provide the City at the time the contracts are returned for execution, certificates and policies endorsing the City as additional insured as listed below:

i. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance, if applicable;

ii. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

iii. If so requested, Certified Copies of all policies mentioned above will be furnished.

h. If any of the above coverages expire during the term of this contract, LSL shall deliver renewal certificates and/or policies to City at least ten (10) days prior to the expiration date.

8. **General Provisions.**

a. **Notices.** Any notice that either party may give or is required to give under this Agreement shall be in writing, and, if mailed, shall be effective on the day it is delivered to the other party at the other party's address set forth in this Agreement or at any other address that the other party provides in writing. Notices given in person are effective on the day they are given.

b. **Governing Law.** This Agreement is executed in accordance with, shall be governed by, and construed and interpreted in accordance with, the laws of the State of Michigan.

c. **Assignment or Delegation.** Neither party shall assign all or any portion of its rights and obligations contained in this Agreement without the express prior written approval of the other party, which approval may be withheld in the other party's sole discretion.

d. **Entire Agreement.** This Agreement shall constitute the entire agreement, and shall supersede any other agreements, written or oral, that may have been made or entered into, by, and between the parties with respect to the subject matter of this Agreement, and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought.

e. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, and be enforceable by, the parties and their respective legal representatives, permitted successors, and assigns.

f. **Non-Waiver.** No waiver by any party of any provision of this Agreement shall constitute a waiver by such party of such provision on any other occasion or a waiver by such party of any other provision of this Agreement.

g. **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

h. **Venue.** The parties agree that, for purposes of any dispute in connection with this Agreement, the Muskegon County Circuit Court shall have exclusive personal and subject matter jurisdiction and venue.

i. **Survival.** All representations, warranties, and covenants in this Agreement shall survive the signing of this Agreement.

City and LSL have executed this Agreement on the date written next to their signatures to be **effective** according to the term(s) stated in this document.

City –

Date: August 18, 2004

CITY OF MUSKEGON

By: 
Stephen J. Warmington
Mayor

And: Gail A. Kunding
Gail A. Kunding, MMC
City Clerk

LSL –

Date: 8/25, 2004

Langworthy Strader LeBlanc & Associates, L.L.C. –

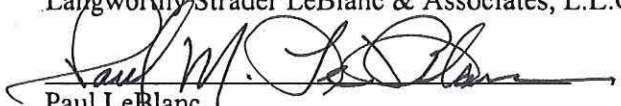

Paul LeBlanc
President

EXHIBIT A

Duties of LSL

1. Maintain regular office hours at the City as required by the City.
2. Assist applicants and the general public with zoning and planning related questions, applications and issues.
3. Conduct site visits for proposed development projects and perform on-site inspections for zoning compliance of approved projects under construction.
4. Perform reviews of all zoning applications, variance requests, and related materials submitted to the City for approval.
5. Distribute application materials to and coordinate zoning reviews by other City departments and, as appropriate, State agencies.
6. Maintain accurate files of transactions, applications, plans, reports, correspondence, and other materials in connection with zoning requests.
7. Prepare monthly agendas for Planning Commission and Zoning Board of Appeals meetings and coordinate the preparation and distribution of meeting materials to the members in advance of each meeting.
8. Consult with the Zoning Inspector and Planning Director, as needed.
9. Provide written technical recommendations on site plans, subdivision and condominium plans, planned unit developments, special land use requests, re-zonings, and other development proposals, in accordance with the City zoning, subdivision and condominium ordinances, master plan, and sound planning and design principles.
10. Provide written summaries of zoning appeals and variance requests in accordance with the City zoning ordinance.
11. Provide day-to-day on-site and telephone assistance/advice to City officials and applicants.
12. Prepare for and attend meetings with the City Planning Commission and Zoning Board of Appeals.
13. Prepare for and attend other meetings of a planning or coordinating nature, with other agencies or groups or staff/consultants, as requested and authorized.
14. Provide verbal and/or written reports, reviews and recommendations regarding revisions to the zoning ordinance, map and text or other City land development ordinances.
15. Provide other technical services related to planning and land use.
16. Provide other duties as requested and authorized by the City, but under no circumstances will LSL employees be asked or required to issue citations or be responsible for zoning enforcement duties.

EXHIBIT B

Duties of City

1. Provide copies of all reports, an up-to-date zoning ordinance and map, code of ordinance and bylaws or rules of procedure, plans, maps, drawings, aerial photos, data and similar materials relevant to the performance of the scope of services.
2. Provide all other professional, legal, engineering or accounting services connected with the services rendered.
3. Provide publication of notices and the costs of such notices, correspondence, and required mailings in connection with zoning procedures.
4. The City and LSL will mutually agree on the regular day(s) and hours during which the in-house presence is required.
5. Provide, at no cost to LSL, suitable office space, desk, phone, files, and computer for the proper conduct of the required work.

EXHIBIT C

Rates

The rate for Joseph Kinney shall be established at \$53 per hour.

The rate for Deb Steenhagen shall be established at \$65 per hour.

Gail or Linda

We are removing

1463 Sixth From D.B.

C.C. agenda ^{august 10} New owner
has pulled building permit.

Lorraine

DATE: August 2, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-040051-Address: 1463 Sixth.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1463 Sixth – Area 10B** 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: #EN040051 – 1463 Sixth.

Location and ownership: This structure is located on Sixth Street between Washington and W. Grand Ave. It is owned by Joe Hawkey, who is incarcerated.

Staff Correspondence: A dangerous building inspection was conducted 4/12/04 and an interior inspection was conducted 5/7/04. The notice and order to repair/remove was issued 5/7/04. On 7/1/04 the HBA declared the property substandard and dangerous building.

Owner Contact: The owner's mother scheduled the interior inspection, but there has been no further contact from her.

Financial Impact: The cost of demolition will be paid with CDBG funds.

Budget Action Required: None

SEV: \$ 15,200

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

Estimated Cost of Repairs: \$20,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, August 10, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1463 Sixth

(INTERIOR INSPECTION)
5/7/04

Inspection noted:

1. All plumbing and mechanical to be replaced.
2. All interior ceilings, walls, floors are damaged – repair or replace.
3. Egress windows required in bedrooms to meet 2003 Michigan Residential Code.
4. Handrails/guardrails required to meet 2003 Michigan Residential Code.
5. Replace bathroom ceiling – collapsing.
6. Repair or replace all damaged windows and doors.
7. 1 – 3'0" x 6'8" door required.
8. Complete roofing – siding to be replaced.
9. Scrape and paint all exterior wood.
10. Service to be finished to 2003 Michigan Residential Code.
11. All new wiring to be completed to 2003 Michigan Residential Code.
12. Smoke alarms to be installed to 2003 Michigan Residential Code.
13. All existing wiring to be replaced to meet 2003 Michigan Residential Code.

PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1463 Sixth

4/12/04

Inspection noted:

1. Replace all interior drywall.
2. Install smoke detectors throughout to Michigan Residential Code 2003.
3. Install egress windows as required to meet Michigan Residential Code 2003.
4. Finish roof covering, fascia, drip edge, soffit to meet Michigan Residential Code 2003.
5. Remove front planter and replace all damaged siding.
6. Remove all debris from yard.
7. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
8. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1463 Sixth St.
5/7/2004

DATE: August 2, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030059-Address: 1983 Hoyt.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1983 Hoyt** 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: #EN030059 – 1983 Hoyt.

Location and ownership: This structure is located on Hoyt between Holbrook and Keating Ave. It is owned HUD.

Staff Correspondence: A dangerous building inspection was conducted 2/19/04 and notice and order to repair/remove issued 2/20/04. On 6/3/04 the HBA declared the property substandard and dangerous building with a 60-day delay before forwarding to CC because there was a potential buyer for the property. There has been no further contact from that person.

Owner Contact: The potential buyer was present at the HBA meeting, but has not made any further contact.

Financial Impact: The cost of demolition will be paid with General funds.

Budget Action Required: None

SEV: \$ 16,100

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

Estimated Cost of Repairs: \$15,000, plus the cost of interior repairs.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, August 10, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1983 Hoyt

2/19/04

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Columns starting to move off damaged front porch foundation wall. Foundation footing/wall for porch failing and must be rebuilt to prevent collapse.
3. Repair/replace all siding damage.
4. Soffitt and fascia rotting, missing from sections of roof eaves.
5. Roof covering must be replaced.
6. Chimney near state of collapse.
7. Porch entry door is rotted, missing threshold.
8. Scrape-paint all exterior wood exposed to the weather, including window frames and sills.
9. Numerous broken windows.
10. Rafter inspection required.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1983 HOYT

DATE: August 2, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-040044-Address: 1530 Hoyt.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1530 Hoyt** 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: #EN040044 – 1530 Hoyt.

Location and ownership: This structure is located on Hoyt between E. Grand and Southern Ave. It is owned by the Department of Veterans Affairs.

Staff Correspondence: A dangerous building inspection was conducted 4/9/04 and notice and order to repair/remove issued the same day. An interior inspection was conducted with a realtor on 6/1/04. On 6/3/04 the HBA declared the property substandard and dangerous building.

Owner Contact: The realtor for the property was present at the HBA meeting and agreed that the condition of the house is bad enough that his recommendation to the Dept. of Veterans would be to have the house demolished.

Financial Impact: The cost of demolition will be paid with CDBG funds.

Budget Action Required: None

SEV: \$ 20,000

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

Estimated Cost of Repairs: \$80,000, THIS STRUCTURE DOES NOT APPEAR TO BE SALVAGABLE.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, August 10, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1530 Hoyt

(INTERIOR INSPECTION)
6/1/04

Inspection noted:

1. Complete plumbing and mechanical to be replaced.
2. House and garage to be rewired to meet 2003 Michigan Residential Code.
3. Electric service to be replaced to meet 2003 Michigan Residential Code.
4. Smoke alarms to be installed to meet 2003 Michigan Residential Code.
5. Home is completely unsound structurally.
6. Ceiling caving in.
7. Floor system needs to be rebuilt to meet 2003 Michigan Residential Code.
8. Provide egress window.
9. Strip damaged wall coverings and reframe damaged wall systems to meet 2003 Michigan Residential Code.

PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1530 Hoyt

4/9/04

Inspection noted:

1. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
2. Entire roof system is rotted and failing.
3. House and garage have numerous broken windows.
4. Soffit and fascia rotted and falling off building on north side.
5. Side porch rotted and ready to collapse.
6. Siding rotted and falling off building.
7. House and garage partially boarded.
8. Front porch roof rotted and falling down.
9. Block fence damaged and in danger of falling down.
10. Soffits rotten on all sides of house.
11. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ II, BUILDING OFFICIAL

DATE



1530 HOYT

DATE: August 2, 2004
TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety

*removed
from agenda*

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030048-Address: 523 W. Grand.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **523 W. Grand - Area 10B** 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: #EN030048 – 523 W. Grand.

Location and ownership: This structure is located on W. Grand between Glade and Park St and has been vacant since 2001. It is owned by Marshall Redder.

Staff Correspondence: A dangerous building inspection was conducted 5/13/04 and notice and order to repair/remove was issued 5/14/04. On 7/1/04 the HBA declared the property substandard and dangerous building.

Owner Contact: Marshall Redder tried to pull a building permit on the house without having the required interior inspection. His complaint to the state was dismissed with the state saying "these issues are regulated by the enforcement of locally adopted ordinances, and as such fall beyond the authority of this agency to address." Mr. Redder was also present at the HBA meeting and again stated he was denied a permit. The board again explained the city ordinance requires an interior inspection on dangerous buildings before any permits will be issued. He has refused to allow the interior inspection. On 8/2/04 the building inspector was served to appear in court on 8/16/04 due to Mr. Redder suing over this issue.

Financial Impact: The cost of demolition will be paid with CDBG funds.

Budget Action Required: None

SEV: \$ 18,500

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

Estimated Cost of Repairs: \$7,000 plus the cost of interior repairs.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, August 10, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

523 W. Grand

5/13/04

Inspection noted:

1. Front porch needs to be rebuilt to code – right column is failing, treads and handrails are unstable.
2. Roof covering on back section of home must be replaced.
3. Missing and cracked siding – installed improperly.
4. Side door stair – landing needs to be rebuilt.
5. Back door not trimmed out properly.
6. Scrape and paint all exterior wood trim and window frames.
7. Garage roof – peeled off garage. Replace damaged siding on structure and garage.
8. Replace all broken out windows and screens.
9. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
10. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



523 W. GRAND

DATE: August 2, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-040029-Address: 458 Mulder.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **458 Mulder** 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: #EN040029 – 458 Mulder.

Location and ownership: This structure is located on Mulder between Wesley and Jackson Ave. It is owned by Brian Bouman, who lives in Holland.

Staff Correspondence: A dangerous building inspection was conducted 2/6/04 and notice and order to repair/remove issued 2/9/04. An interior inspection was conducted 2/13/04. On 6/3/04 the HBA declared the property substandard and dangerous building.

Owner Contact: The owner scheduled the interior inspection and stated at that time he planned to start repairs in April and be finished in about 90 days. He was present at the HBA meeting with his realtor and then stated he was donating the house to Habitat for Humanity and they planned to demolish the house and rebuild there. Since then it was discovered the lot is not buildable and still owned by Mr. Bouman. There has been no further contact.

Financial Impact: The cost of demolition will be paid with CDBG funds.

Budget Action Required: None

SEV: \$ 14,300

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

Estimated Cost of Repairs: \$23,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, August 10, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

458 Mulder
2/13/04
(INTERIOR INSPECTION)

Inspection noted:

1. Rewire both units to current Michigan Residential Code.
2. Add smoke alarms to current Michigan Residential Code.
3. Replace electric services to current Michigan Residential Code.
4. Foundation damage – footing and foundation failure – replace to code – show detail drawings.
5. Garage was converted into living space with non-compliant head room and incomplete ceiling support.
6. Remove and replace all damaged ceilings and wall coverings.
7. Replace all damaged floor coverings.
8. Provide required exit doors 3 foot wide 6 foot 8 inches high each – to exterior.
9. All handrails, guardrails to meet code.
10. Provide bedroom egress.
11. Duct work needs to be replaced.
12. Water piping needs to be replaced.
13. Traps and waste arms beneath lavs & sinks need to be replaced.
14. Stand pipe needs to be replaced.
15. Waste & vent needs to be repaired.
16. Bathrooms need exhaust fans.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

458 MULDER

2/6/04

Inspection noted:

1. Windows broken.
2. Siding damaged.
3. Eighty-two (82) violations of the Property Maintenance Code noted. No effort made to correct.
4. An interior inspection by the electrical, plumbing, mechanical and building inspectors is required before any permits will be issued.
5. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715 and to schedule to required interior inspection.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

ROBERT GRABINSKI, DIRECTOR OF INSPECTIONS

DATE



458 MULDER

DATE: August 2, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030174-Address: 637 Amity.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **637 Amity – 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: #EN030174 – 637 Amity.

Location and ownership: This structure is located on Amity between Scott and Kenneth and is owned by Gustav Buchholz. The house was damaged by fire in 2002 and the city holds \$6437 in escrow until the repairs are completed or demolition occurs.

Staff Correspondence: The owner was notified by the Fire Marshal on 6/12/02 of the insurance money being deposited in escrow. A board up notice was issued 3/11/02 and 4/21/03. A dangerous building inspection report was written 11/20/03 and Notice and Order to repair or remove was issued 12/3/03. On 1/8/04 the HBA declared the house substandard and dangerous.

Owner Contact: The owner (at that time Jeanette Casson) was present at the 1/8/04 HBA meeting with a potential buyer (Gustav Buchholz) of the property who stated he intends to repair and live in the house. They were told at that time that even though the house was being declared, they would have 30 days in which the potential owner could bring in proof of ownership, schedule an interior inspection and submit a timetable for repairs. Mr. Buchholz scheduled an interior inspection for 1/29/04, but had to cancel and reschedule for personal reasons. The interior inspection was scheduled for 2/20/04. That inspection was also canceled and rescheduled for 2/24/04. This case had been scheduled to go before the City Commission on 2/24/04, but was removed from the agenda when the interior inspection was conducted. The owner was notified that permits had to be pulled by 3/31/04, 30 day progress inspections, and a completion date of 9/1/04. On 4/5/04 Mr. Buchholz applied for a building permit, but disagreed with the value of \$40,000 for repairs and did not take the permit out. He stated he would be back within a week and bring in estimates from his contractors to show what he believed to be the real value for the building permit. He was told at that time that he was already beyond the deadline date for pulling a permit and we

could not promise him that in another week he would still be allowed to pull the permit. He left and came back 4/15/04 and dropped off estimates from a Wyoming building contractor for all of the work to be completed. The estimates given were from a contractor who is not registered with the city who has a "repair service" and his estimates were for electrical, mechanical and plumbing which he is not licensed to do. Mr. Buchholz applied for the building permit 4/27/04 and was given 90 days due to the fact that he had already used up 2 of the 6 months originally given. He was told at the time of issuance that if significant progress was made the permit could be extended. On 7/22/04 an electrical permit was issued. No plumbing or mechanical permits have been pulled and no inspections called for.

Financial Impact: The cost of demolition will be paid with money that is escrowed from the fire.

Budget Action Required: None

SEV: \$21,200

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

Estimated Cost of Repairs: \$40,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, August 10, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

637 Amity
2/24/04
(INTERIOR INSPECTION)

Inspection noted:

1. 2nd Floor entirely gutted by fire.
2. Open splices and knob & tube wiring.
3. Wiring is deteriorated.
4. All wiring to comply with Michigan Residential Code.
5. 2nd floor plumbing to be replaced.
6. Chimney needs repair and liner installed.
7. Waste & vent in basement installed without permit.
8. Furnace to be tested and certified safe.
9. Ductwork needs cleaning.
10. Gas piping needs to be pressurized and tested.
11. Water heaters need replacing.
12. Water piping painted and needs to be replaced. Galvanized need repair.
13. Replace all damaged roof covering – sheathing, rafter – joist upper.
14. All handrails, guardrails, exterior & interior need to be replaced to code.
15. Back stairway – roof – landings – must be rebuilt to code – structural failure.
16. Scrape and paint all exterior.
17. Replace soffit – fascia damage.
18. Floor joist cut in basement – must be resupported to bearing.
19. All damaged wall, ceiling, flooring to be replaced per code.
20. Foundation wall requires repair.
21. Smoke alarms required per code Sec. 317. – hardwired w/battery back up.
22. Support basement stairs with proper column support and frame floor opening per MRC 2000 sec. R502.10.
23. Encapsulate all interior smoke damage.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

637 Amity

11/20/03

Inspection noted:

1. Windows broken & boarded.
2. Door broken and boarded.
3. Extensive fire damage to 2nd floor.
4. Extensive water damage to 1st floor.
5. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



FIRE
↳
STRUCTURAL.

637 Amity TWO UNIT APARTMENT

2/24/2004.