

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 12, 2007

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. Fireworks Display – Muskegon Country Club. CITY CLERK
 - C. Liquor License Request – 197 W. Clay. CITY CLERK
 - D. Liquor License Transfer – Beach Party Store, Inc., 3200 Lakeshore. CITY CLERK
 - E. Agreement for School Resource Officer – Muskegon Public Schools. PUBLIC SAFETY
 - F. Sale of Buildable Vacant Lot at 372 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - G. Consideration of Bids – Park Street, Hackley to Young. ENGINEERING
 - H. Consideration of Bids – Diana Avenue, Ransom to Terrace. ENGINEERING
- ❑ PUBLIC HEARINGS:
 - A. Request for an Industrial Facilities Exemption Certificate – Fleet Engineers. PLANNING & ECONOMIC DEVELOPMENT
 - B. Amendments to Brownfield Plan – Sidock. PLANNING & ECONOMIC DEVELOPMENT
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:

❑ **NEW BUSINESS:**

- A. Site Assessment Grant Administration Contract – Couture Environmental LLC. PLANNING & ECONOMIC DEVELOPMENT
- B. Request to Purchase Video Systems. PUBLIC SAFETY
- C. Sewer Rate Adjustment. FINANCE
- D. Engineering Services Agreement with Fleis & Vandenbrink for Sherman and Henry Intersection and Sidewalk. ENGINEERING
- E. SECOND READING: Amendment to the Zoning Ordinance – Residential Parking Requirements Downtown. PLANNING & ECONOMIC DEVELOPMENT
- F. SECOND READING: Ordinance Amendment – Vehicles for Hire. CITY CLERK
- G. Special Events - Multiple Liquor License Request from Topsy Toad Tavern. ASSISTANT CITY MANAGER
- H. Special Events - Multiple Liquor License Request from Muskegon Eagles Aerie 668/Fraternal Order of Eagles. ASSISTANT CITY MANAGER
- I. Special Events - Multiple Liquor License Request from C.I.O. Hall and Port City Blvd. Association. ASSISTANT CITY MANAGER

❑ **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: June 12, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, May 22nd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 12, 2007

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, June 12, 2007.

Mayor Warmington opened the meeting with a prayer from Pastor Phillips from the Love Fellowship Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker

2007-48 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, May 22nd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display – Muskegon Country Club. CITY CLERK

SUMMARY OF REQUEST: Muskegon Country Club, 2801 Lakeshore Drive, is requesting approval of a fireworks display permit for July 4, 2007. Fire Marshall Metcalf will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

D. Liquor License Transfer – Beach Party Store, Inc., 3200 Lakeshore. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Tyler Enterprises, LLC, to transfer ownership of the 2006 SDD and SDM Licensed Business with Direct-Connection-2 from Beach Party Store, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

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

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for the continuance of a full-time School Resource Officer who is assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of the police officer position for a nine-month period. This agreement covers the period September 4, 2007 through June 6, 2008.

FINANCIAL IMPACT: This agreement will produce revenue in the amount of \$18,747 for the period of the agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

F. Sale of Buildable Vacant Lot at 372 W. Muskegon Avenue. PLANNING
& ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 372 W. Muskegon (designated as parcel number 24-205-336-0009-00) to Kevin Eden, of 5621 Duck Lake Rd., Whitehall, MI 49461. The lot is 79.75 X 132 ft. and is being offered to Kevin Eden for \$1,000. He plans to move a home from 1705 Peck Street to this vacant land. The value of the lot was set at \$1,000 by the Historic Home Infill Program.

FINANCIAL IMPACT: The sale of this lot for the moving of a 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.

COMMITTEE RECOMMENDATION: HDC recommended approval at their regular meeting of June 5, 2007.

G. Consideration of Bids – Park Street, Hackley to Young. ENGINEERING

SUMMARY OF REQUEST: Award the contract for the reconstruction for Park St. from Hackley Ave. to Young Ave. to Jackson-Merkey Contractors, Inc. of Muskegon, MI since they were the lowest responsible bidder with a bid price of \$249,699.60.

FINANCIAL IMPACT: The construction cost of \$249,699.60 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Jackson-Merkey Contractors, Inc.

H. Consideration of Bids – Diana Avenue, Ransom to Terrace.
ENGINEERING

SUMMARY OF REQUEST: Award the contract for the watermain replacement and minor service upgrade for Diana Ave. from Ransom St. to Terrace St. to Felco Contractors, Inc. of Muskegon MI since they were the lowest responsible bidder with a bid price of \$39,552.20

FINANCIAL IMPACT: The construction cost of \$39,552.20 plus engineering costs which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Felco Contractors, Inc.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read minus item C.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

2007-49 ITEM REMOVED FROM THE CONSENT AGENDA:

C. Liquor License Request – 197 W. Clay. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Kathleen Riegler for a New SDM License and On-Premise Seating for her business located at 197 W. Clay Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Davis, second by Commissioner Carter to approve the liquor license request for 197 W. Clay.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

2007-50 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – Fleet Engineers. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Fleet Engineers, 1800 E. Keating Avenue, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1800 E. Keating, Muskegon. The total capital investment is approximately \$209,076 in personal property and \$800,829 in real property. This request qualifies Fleet Engineers for a term of twelve (12) years for real property and six (6) years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and six (6) years for personal property.

The Public Hearing opened to hear and consider any comments from the public. Wess Eklund from Fleet Engineers explained what the company does.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing and approve the request for an Industrial Facilities Exemption Certificate for Fleet Engineers.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

B. Amendments to Brownfield Plan – Sidock. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Sidock Properties, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a commercial project will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing and approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for June 12, 2007, at their May 22, 2007 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on May 15, 2007 and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing opened to hear and consider any comments from the public.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing and approve the resolution for the amendment to the Brownfield Plan for Sidock Properties.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

2007-51 NEW BUSINESS:

A. Site Assessment Grant Administration Contract – Couture Environmental LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Contract with Couture Environmental Strategies LLC for continued administration of the Brownfield Grant, in amount not to exceed \$27,000 and to amend the budget to move \$27,000 from the General Fund Contingency into the Planning & Economic Development budget.

FINANCIAL IMPACT: There is an additional amount of \$27,000 required to continue to contract with Couture Environmental Strategies LLC.

BUDGET ACTION REQUIRED: The funds will be allocated from the General Fund Budget Contingency. The Planning, Zoning and Economic Development Budget will require an amendment for line item #80400-5300 (Contractual Services) for an addition of \$27,000.

STAFF RECOMMENDATION: To approve the Contract and authorize the Mayor to sign. Also, to approve the budget amendment to place \$27,000 from the General Fund Contingency into the Planning & Economic Development budget.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the site assessment grant administration contract with Couture Environmental Strategies LLC.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

B. Request to Purchase Video Systems. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting permission to purchase twenty (20) digital in-car video systems from L3 Communications of Boonton, New Jersey. These systems will replace the current DVD systems that have been in place for approximately three years. The new systems are a "hard-drive" system that have no moving components in the vehicle and do not have the environmental requirements (heating/cooling) that are needed for the current systems. Police department staff has researched these units with the assistance of staff from Information Technology and the Department of Public Works. This system is in place in a number of police departments in the state and we have also reviewed its performance with these agencies. Costs for the system are as follows:

Video systems, components and software:	\$143,750.25
Computer server:	\$ 28,055.00

FINANCIAL IMPACT: Funds for the video systems (\$143,750) would originate with the City's Equipment Fund. Funds for the server would come from the Criminal Forfeiture Account.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of purchase.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the request to purchase video systems for the Police Department.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

C. Sewer Rate Adjustment. FINANCE

SUMMARY OF REQUEST: The City last adjusted sewer rates (a 16% increase) on January 1, 2006 in response to County fee adjustments triggered by changes at Sappi and by new indebtedness taken on to finance system improvements. However, actual 2006 financial results for the sewer fund indicate the increase was inadequate. In addition to the County fee increases, the sewer fund has been hit with an unexpected (and unexplained) surge in usage in the last two years:

12-Month Period	Usage (MG)	%Increase
May 2006 – April 2007	2027	8%
May 2005 – April 2006	1869	11%
May 2004 – April 2005	1682	-

The increased usage is hard to understand in light of plant closings (e.g. Brunswick, Bekaert) and in light of the fact that flows for other communities are stable or falling. Staff is in discussion with the County on possible metering issues, but at this point a further 15% rate increase is needed to stabilize sewer fund finances.

FINANCIAL IMPACT: The sewer rate adjustments will generate an estimated \$710,000 additional annualized revenue for the City's sewer fund.

BUDGET ACTION REQUIRED: None at this time. If the rate increase is approved, it will be incorporated into the second quarter budget reforecast together with the higher anticipated County treatment costs.

STAFF RECOMMENDATION: Adoption of the fee adjustment resolution.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the sewer rate adjustments as proposed.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

D. Engineering Services Agreement with Fleis & Vandenbrink for Sherman and Henry Intersection and Sidewalk. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering service agreement with Fleis & Vandenbrink to modify plans, specification and engineer's estimate along with design of a sidewalk along the north side of Sherman between Barclay & Henry. The services to be provided consist of modifying the plans to meet Michigan Department of Transportation's (MDOT) guidelines since we were fortunate to receive not only federal funds, but if we were to get those plans in to MDOT soon, we have been approved for the state money to offset the local match. The total not-to-exceed fee is \$11,900. Fleis and Vandenbrink had the lowest proposed fee of two proposals received. One other consultant declined to submit a proposal.

FINANCIAL IMPACT: The cost to the City is limited to the engineering cost for the modifications of the plans of \$11,900, plus construction engineering of 10%. The total estimated cost of the project is \$270,000, of which \$216,000 is from an approved Federal grant and the remaining \$54,000 is from the State's "Jobs Today Program."

BUDGET ACTION REQUIRED: None at this time, however, the second budget forecast would have to be revised to address the modification cost of \$11,000.

STAFF RECOMMENDATION: Authorize staff to enter into an Engineering Services Agreement with Fleis & Vandenbrink.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to authorize staff to enter into the engineering services agreement with Fleis & Vandenbrinks for Sherman and Henry.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

E. SECOND READING: Amendment to the Zoning Ordinance – Residential Parking Requirements Downtown. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2326 (Off Street Parking, #12) of Article XXIII (General Provisions) to reduce the residential parking requirement in the Downtown Parking Overlay District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to reduce the residential parking requirement in the Downtown Parking Overlay District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their May 10, 2007 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the amendment to the Zoning Ordinance for residential parking requirements downtown.

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

Nays: Davis

MOTION PASSES

F. SECOND READING: Ordinance Amendment – Vehicles for Hire. CITY CLERK

REMOVED

G. Special Events - Multiple Liquor License Request from Topsy Toad Tavern.

ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Topsy Toad Tavern, 609 W. Western Ave., is requesting an extension of their current liquor license to be able to serve alcohol outside in an entertainment area during the Muskegon Summer Celebration (June 28th through July 8th). The following temporary alcohol licenses have been issued for this time period: Muskegon Summer Celebration, and Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this request at their May 21st meeting.

Motion by Commissioner Carter, second by Commissioner Davis to approve the special event multiple liquor license request from Topsy Toad Tavern.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

H. Special Events - Multiple Liquor License Request from Muskegon Eagles Aerie 668/Fraternal Order of Eagles. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The Muskegon Fraternal Order of Eagles (Aerie 668) is requesting an extension of their current liquor license to be able to serve non-members during the Muskegon Summer Celebration (June 28th through July 8th). The following temporary alcohol licenses have been approved for this time period: Muskegon Summer Celebration, and Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this request at their May 21st meeting.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the special event multiple liquor license request for Muskegon Eagles aerie 668/Fraternal Order of Eagles.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

I. Special Events - Multiple Liquor License Request from C.I.O. Hall and Port City Bldg. Association. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: C.I.O. Hall and Port City Bldg. Association, 490 W. Western Ave., is requesting a temporary liquor license during the Muskegon Bike Time Event, Scheduled for July 20th through July 22, 2007. The following have already been approved: Racquets, Pop-A-Top, Muskegon Bike Time, Topsy Toad, and Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board has approved this request at their May 21st meeting.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the special event multiple liquor license request from C.I.O. Hall & Port City Bldg. Association.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

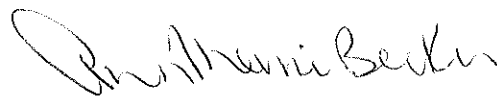
MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington recognized County Commissioner Collins who was in attendance.

PUBLIC PARTICIPATION: Comments were heard reference no street lights on Sumner Avenue and reference the Sieradzki home.

ADJOURNMENT: The City Commission Meeting adjourned at 6:38 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ann Marie Becker".

Ann Marie Becker, MMC
City Clerk

Date: February 27, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Fireworks Display – Muskegon Country Club

SUMMARY OF REQUEST: Muskegon Country Club, 2801 Lakeshore Drive, is requesting approval of a fireworks display permit for July 4, 2007. Fire Marshall Metcalf will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

PERMIT
FOR FIREWORKS DISPLAY

2007-48(b)

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport, and display fireworks in the amounts, for the purpose of and at the place listed below only.

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Issued To MELROSE PYROTECHNICS, INC.		Age (18 or over)
Address P.O. BOX 123, BELDING, MI 48809		
Name of Organization, Group, Firm, or Corporation Muskegon Country Club		
Address 2801 Lakeshore Drive, Muskegon, MI 49441		
Number and Types of Fireworks Approximately 1,200 aerial display shells ranging in size from 1 1/4 inches to 8 inches in diameter		
Exact Location of Display 2801 Lakeshore Drive		
City, Village, Township Muskegon	Date July 4, 2007	Time Dusk
Bond or Insurance Filed? ☒ Yes ☐ No		Amount \$5,000,000.00

Issued by action of the ☐ council ☒ commission ☐ board of the

☒ city ☐ village ☐ township of Muskegon

(Name of City, Village, Township)

on the 12th day of June, 2007

(Signature and Title of Council/Commission/Board Representative)

Stephen J. Warmington
Mayor

AUTHORITY: 1968 PA 358
COMPLIANCE: Required
PENALTY:



Muskegon Country Club

May 29, 2007

Linda Potter, CMC
Deputy Clerk, City of Muskegon
933 Terrace Street
Muskegon, MI 49440

Dear Ms. Potter,

Muskegon Country Club is in the process of planning our annual Fourth of July Celebration. I am enclosing the fireworks permit, certificate of liability insurance and the application fee of \$50.00.

Our fireworks display is planned for Wednesday, July 4, 2007. Please call me if you have any questions. I can be reached at 231-755-3737.

Most Sincerely,

Rebecca Harding
Banquet Coordinator

APPLICATION FOR FIREWORKS DISPLAY PERMIT

☒ PUBLIC DISPLAY		☐ AGRICULTURAL PEST CONTROL		Date of Application <i>1/30/07</i>	
Name of Applicant <i>MELROSE PYROTECHNICS, INC.</i>		Address <i>P.O. BOX 302, KINGSBURY, IN 46345</i>		Age (18 or over)	
If a Corporation, Name of President <i>MICHAEL CARTOLANO</i>		Address <i>P.O. BOX 302, KINGSBURY, IN 46345</i>			
If a Non-resident Applicant: Name of MI Attorney or Resident Agent <i>MIKE VAN LOO</i>		Address <i>P.O. BOX 123, BELDING, MI 48809</i>		Phone No. <i>(616) 794-0205</i>	
Name of Pyrotechnic Operator <i>MIKE VAN LOO</i>		Address <i>P.O. BOX 123, BELDING, MI 48809</i>		Age (18 or over) <i>37</i>	
No. Years Experience No. Displays <i>14 YEARS 250+</i>		Where <i>MICHIGAN, ILLINOIS, INDIANA, KENTUCKY, OHIO</i>			
Name of Assistant: <i>JOHN KLAPKO</i>		Address <i>P.O. BOX 123, BELDING, MI 48809</i>		Age <i>43</i>	
Name of Other Assistant: <i>SCOTT FERMAN</i>		Address <i>P.O. BOX 123, BELDING, MI 48809</i>		Age <i>39</i>	
Exact Location of Proposed Display <i>Muskegon Country Club grounds</i>					
Date of Proposed Display <i>July 4, 2007</i>			Time of Proposed Display <i>Dusk</i>		
No. Of Fireworks		Kind of Fireworks to be Displayed			
<i>Approximately 1,200</i>		<i>Aerial display shells ranging in size from 1 1/4 inches to 8 inches in diameter</i>			
Manner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities)					
<i>NO STORAGE NECESSARY, DELIVERED ON DATE OF DISPLAY</i>					
Amount of Bond of Insurance (to be set by local gov't) <i>\$5,000,000.00</i>			Name of Bonding Corporation or Insurance Company <i>BRITTON-GALLAGHER & ASSOCIATES</i>		
Address of Bonding Corporation or Insurance Company <i>6240 SOM CENTER RD., CLEVELAND, OH 44139</i>					
Signature of Applicant <i>Wanda Schaefer</i> For Melrose Pyrotechnics, Inc.					

SEE OTHER SIDE FOR INSTRUCTIONS

Authority: 1968 PA 358
Compliance: Voluntary but a permit will not be issued without an application.



Muskegon Country Club
2801 Lakeshore Drive
Muskegon, Michigan 49441

COMMUNITY
SHORES BANK

74-1394/724

No. 004216

DATE	CHECK NO.	AMOUNT
05/31/07	4216	\$ 50.00

PAY EXACTLY FIFTY AND 00/100 DOLLARS

PAY TO THE
ORDER OF: CITY OF MUSKEGON

Robert J. Clark
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈004216⑈ ⑆072413942⑆ 1000002049⑈

XXXXXXXXXXXXXXXX

YOUR RECEIPT

THANK YOU

CALL AGAIN

XXXXXXXXXXXXXXXX

MUSREG 50.00

ITEM CT 1

CHECK

50.00

DB=27AM06-07-2007

7715 LINDA

ACORDTM CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 6/19/2007												
PRODUCER Phone: 440-248-4711 Fax: 440-248-5406 Britton-Gallagher and Associates, Inc. 6240 SOM Center Rd. Cleveland OH 44139		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
INSURED Melrose Pyrotechnics, Inc. P.O. Box 302 Kingsbury IN 46345		<table border="1"> <tr> <th>INSURERS AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Lexington Insurance Co</td> <td></td> </tr> <tr> <td>INSURER B: Granite State Insurance Co.</td> <td>23809</td> </tr> <tr> <td>INSURER C: Arch Specialty Insurance Co</td> <td></td> </tr> <tr> <td>INSURER D: Travelers Indemnity Co</td> <td>25658</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Lexington Insurance Co		INSURER B: Granite State Insurance Co.	23809	INSURER C: Arch Specialty Insurance Co		INSURER D: Travelers Indemnity Co	25658	INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC #													
INSURER A: Lexington Insurance Co														
INSURER B: Granite State Insurance Co.	23809													
INSURER C: Arch Specialty Insurance Co														
INSURER D: Travelers Indemnity Co	25658													
INSURER E:														

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L 1 2 3 4 5 6 7 8 9 10	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC	6990166	1/15/2007	1/15/2008	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS	CA62659314	1/15/2007	1/15/2008	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ GARAGE LIABILITY ☐ ANY AUTO AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
C	EXCESS/UMBRELLA LIABILITY ☒ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☒ RETENTION \$10,000	ULP0005652	1/15/2007	1/15/2008	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ \$ \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	401X5907 (MI)	4/1/2007	4/1/2008	☒ WC STATU- TORY LIMITS ☐ OTH- ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 DISPLAY DATE: July 4, 2007 LOCATION: Muskegon Country Club, Muskegon, Michigan ADDITIONAL INSURED: Muskegon Country Club; City of Muskegon, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof

CERTIFICATE HOLDER

City of Muskegon
 933 Terrace Street
 Muskegon MI 49440

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Handwritten Signature

Date: June 12, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Transfer
Beach Street Party Store, 3200 Lakeshore

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Tyler Enterprises, LLC, to transfer ownership of the 2006 SDD and SDM Licensed Business with Direct-Connection-2 from Beach Party Store, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

June 5, 2007

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Transfer – 3200 Lakeshore Drive
Transfer of 2006 SDD and SDM Licensed Business with Direct-Connection-2.

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Tyler Enterprises, LLC, comprised of Aaron Tyler of 2082 Geneva Lane in Muskegon.

Tyler Enterprises, LLC. is requesting to transfer ownership of 2006 SDD and SDM licensed business with Direct-Connection-2 from Beach Party Store, Inc. Aaron Tyler has no experience in the alcohol service industry and is aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances. The applicant has also been made aware of the following two websites for additional training opportunities; the Michigan Licensed Beverage Association and the Liquor Control Commission.

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

ALK/kd



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

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by R 436.1105 (2d) and (3)]

April 9, 2007

THE CITY OF MUSKEGON
C/O CITY CLERK
933 TERRACE ST
PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 413278

The Michigan Liquor Control Commission has received an application from TYLER ENTERPRISES, LLC REQUEST TO TRANSFER OWNERSHIP 2006 SDD AND SDM LICENSED BUSINESS, DIRECT-CONNECTION-3 LOCATED AT 3200 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM BEACH PARTY STORE, INC.

Home address and telephone number:

AARON C. TYLER 2082 GENEVA LANE, MUSKEGON, MI 49441, (231) 206-0509-H (231) 759-7006

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 Code, Rules and Related Laws for off-premise licenses, the local governing body, or its designee, may notify the Commission at the above address 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 applicable laws and ordinances. A copy of the law and/or ordinance may be submitted with the notification.

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

Vlr/mls

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 06-05-07

Re: Liquor License Transfer

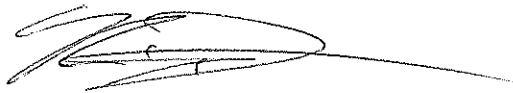
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Aaron Tyler of 2082 Geneva Lane, Muskegon, MI. 49441 who represents Tyler Enterprises, LLC. of 3200 Lakeshore Dr. Muskegon, Mi. 49441; Beach Street Party Store.

Mr. Tyler is requesting to transfer ownership of 2006 SDD and SDM licensed business with Direct-Connection-2 from Beach Party Store, Inc. Mr. Tyler has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances. The applicant has also been made aware of the following two websites for additional training opportunities; the Michigan Licensed Beverage Association and the Liquor Control Commission.

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/Tyler

JENNIFER M.
GRANHOLM
GOVERNOR



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

413278
FHM
5-31-07
NIDA R. SAMONA
CHAIRPERSON

POLICE INVESTIGATION REQUEST
(Authorized by MCL 436.1(4))

April 9, 2007

Muskegon Police Department
Chief Anthony L. Kleibecker
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536

Request ID # 413278

Chief Law Enforcement Officer

Applicant: REQUEST TO TRANSFER OWNERSHIP 2006 SDD AND SDM LICENSED BUSINESS WITH DIRECT-CONNECTION, LOCATED AT 3200 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY FROM BEACH PARTY STORE, INC.

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.

(X) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

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

Vlr/mls

LC-1972 Rev 01/02
4880-1658



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

POLICE INSPECTION REPORT
(Authorized by MCL 436.1217)

FOR MLCC USE ONLY

Request ID # 413278

Business ID # 192193

5-31-07 TMM

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)

TYLER ENTERPRISES, LLC 3200 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY

REQUEST FOR: TRANSFER OWNERSHIP 2006 SDD AND SDM LICENSED BUSINESS WITH DIRECT-CONNECTION FROM
BEACH PARTY STORE, INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1:

AARON C. TYLER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

2082 GENEVA LANE, MUSKEGON, MI 49441, (231) 206-
0509-H (231) 759-7006

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

5-13-65

Is the applicant a U.S. Citizen: ☐ Yes ☐ No

Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

Does the applicant have a Visa? Enter status:

Date fingerprinted: *6-4-07*

DATE OF BIRTH:

Is the applicant a U.S. Citizen: ☐ Yes ☐ No

Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

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)

1995 Traffic - Susp. Lic.

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, entertainment, topless activity or extended hours permit?

☒ No ☐ Yes, complete LC-1636

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

Section 3. Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

[Signature]
Signature (Sheriff or Chief of Police)

6-5-07
Date

MUSKEGON POLICE DEPARTMENT

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

RESOLUTION

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

called to order by Mayor Warmington on June 12, 2007 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Shepherd

That the request from Tyler Enterprises, LLC, 3200 Lakeshore, Muskegon, MI 49441, Muskegon County, to transfer ownership of the 2006 SDD and SDM Licensed Business with Direct-Connection-2 from Beach Party Store, Inc.

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

(Recommended or not Recommended)

for issuance

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 June 12, 2007.
(Date)

SEAL

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

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

LIQUOR LICENSE REVIEW FORM

Business Name: Tyler Enterprises, LLC

AKA Business Name (if applicable): Beach Party Store

Operator/Manager's Name: Aaron C Tyler

Business Address: 3200 Lakeshore
Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature J. L. Kishner 6-5-07

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

AARON C. TYLER
LISA M. TYLER
2082 GENEVA LANE
MUSKEGON, MI 49441

3023
74-1394/724

6-4-07

DATE

© HARLAND 2001
PAY TO THE ORDER OF City of Muskegon

\$ 250.00

Two Hundred Fifty +00/100

DOLLARS



Security Features
Detailed on
Back.

COMMUNITY
SHORES BANK
MUSKEGON, MI 49444

FOR

A. C. Tyler

MP

⑆072413942⑆ 0000026770⑆

3023



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

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by R 436.1105 (2d) and (3)]

April 9, 2007

THE CITY OF MUSKEGON
C/O CITY CLERK
933 TERRACE ST
PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 413278

The Michigan Liquor Control Commission has received an application from TYLER ENTERPRISES, LLC REQUEST TO TRANSFER OWNERSHIP 2006 SDD AND SDM LICENSED BUSINESS, DIRECT-CONNECTION-3 LOCATED AT 3200 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM BEACH PARTY STORE, INC.

Home address and telephone number:

AARON C. TYLER 2082 GENEVA LANE, MUSKEGON, MI 49441, (231) 206-0509-H (231) 759-7006

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 Code, Rules and Related Laws for off-premise licenses, the local governing body, or its designee, may notify the Commission at the above address 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 applicable laws and ordinances. A copy of the law and/or ordinance may be submitted with the notification.

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

Vlr/mls

4-16

LIQUOR LICENSE REVIEW FORM

Business Name: Tyler Enterprises, LLC

AKA Business Name (if applicable): Beach Party Store

Operator/Manager's Name: Aaron C Tyler

Business Address: 3200 Lakeshore
Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

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

LIQUOR LICENSE REVIEW FORM

Business Name: Tyler Enterprises, LLC

AKA Business Name (if applicable): Beach Party Store

Operator/Manager's Name: Aaron C Tyler

Business Address: 3200 Lakeshore

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature 

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

LIQUOR LICENSE REVIEW FORM

Business Name: Tyler Enterprises, LLC

AKA Business Name (if applicable): Beach Party Store

Operator/Manager's Name: Aaron C. Tyler

Business Address: 3200 Lakeshore

Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

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

LIQUOR LICENSE REVIEW FORM

Business Name: Tyler Enterprises, LLC

AKA Business Name (if applicable): Beach Party Store

Operator/Manager's Name: Aaron C. Tyler

Business Address: 3200 Lakeshore

Muskegon

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature _____

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

LIQUOR LICENSE REVIEW FORM

Business Name: Tyler Enterprises, LLC

AKA Business Name (if applicable): Beach Party Store

Operator/Manager's Name: Aaron C Tyler

Business Address: 3200 Lakeshore
Muskegon

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New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

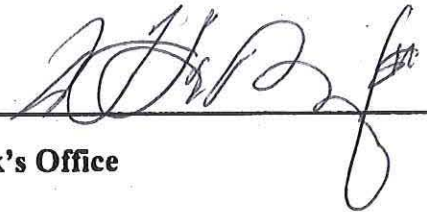
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature 

Please return to the City Clerk's Office
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



June 6, 2007

Ms. Bonnie Witt, President
Beachwood/Bluffton Neigh. Assoc.
2261 Surfwood
Muskegon, MI 49441

Dear Ms. Witt:

We have received a letter from the Liquor Control Commission reference a request from Tyler Enterprises, LLC to transfer ownership of the SDD and SDM licensed business with direct-connection-2 located at 3200 Lakeshore Drive from Beach Party Store, Inc. A SDM license permits the sale of beer and wine for consumption off the premises only, and a SDD license permits the sale of alcoholic liquor, other than beer and wine, for consumption off the premises only. On Tuesday, June 12, 2007, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on June 12, 2007, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

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
(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



June 6, 2006

Mr. Aaron Tyler
2082 Geneva Lane
Muskegon, MI 49441

Dear Mr. Tyler:

This letter is to inform you that your liquor license transfer request for 3200 Lakeshore Drive will be presented to the City Commission on June 12, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Beachwood/Bluffton Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

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
(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



June 21, 2007

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

REF: Req ID #413278
Tyler Enterprises, LLC
3200 Lakeshore
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, Form LC-1800, print card and check for Tyler Enterprises, LLC. This was recommended for approval by the City Commission at their June 12, 2007, City Commission Meeting.

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

Sincerely,

Linda Potter
Deputy Clerk

enc.

7006 0100 0004 8340 8210

City Commission Meeting
Tuesday December 12, 2006

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

DATE: May 31, 2007

SUBJECT: Agreement for School Resource Officer-Muskegon Public Schools

Summary of Request:

Police Department staff is requesting that the Commission approve an agreement between the City and the Muskegon Public Schools. The agreement provides for the continuance of a full-time School Resource Officer who is assigned to Muskegon High School. Muskegon Public Schools has agreed to pay one-half of the annual salary of the police officer position for a nine-month period. This agreement covers the period September 4, 2007 through June 6, 2008.

Financial Impact:

This agreement will produce revenue in the amount of \$18,747 for the period of the agreement.

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.

COMMUNITY OFFICER & MUSKEGON PUBLIC SCHOOLS

AGREEMENT

This agreement is effective September 4, 2007 through June 6, 2008, between the City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("City"), and Muskegon Public Schools, of 349 West Webster, Muskegon, Michigan 49440 ("MPS"), with reference to the following facts:

Background

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

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

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

It is therefore agreed:

1. **Officer.** City shall provide a police officer to be on patrol at MHS during MHS's published academic calendar year, commencing September 4, 2007 (which shall not include any published vacation days or summer school sessions, i.e. Christmas break, mid-winter break, Thanksgiving break, Professional Development days, Good Friday, Hackley Day or Memorial Day.) The officer shall be present at MHS during hours which are mutually agreeable between the City and MPS.

2. **Payment.** MPS shall pay \$2,083 on the first of **EACH MONTH**, as invoiced, commencing September 4, 2007 through June 6, 2008. Total payment will not exceed \$18,747.

3. **Term: Termination:** The term of this Agreement shall be for one year from September 4, 2007 through June 6, 2008, and may be renewed annually by mutual agreement. This Agreement may be terminated before the end of its term by subsequent written agreement, which shall be signed by both parties.

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

Muskegon Public Schools

By: Charles W. Poole
Name: Charles W. Poole
Title: President
Date: 6/27/07

City of Muskegon

By: Steven J. Warmington
Name: Steven J. Warmington
Title: Mayor
Date: 6-19-07

By: Colin K. Armstrong
Name: Colin K. Armstrong
Title: Superintendent
Date: 6/23/07

By: David A. Lewis
Name: David A. Lewis
Title: Principal
Date: 6-26-07

Commission Meeting Date: June 12, 2007

Date: June 5, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot at 372 W Muskegon Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 372 W. Muskegon (designated as parcel number 24-205-336-0009-00) to Kevin Eden, of 5621 Duck Lake Rd, Whitehall, MI 49461. The lot is 79.75 X 132 ft. and is being offered to Kevin Eden for \$1,000. He plans to move a home from 1705 Peck Street to this vacant land. The value of the lot was set at \$1,000 by the Historic Home Infill Program.

FINANCIAL IMPACT:

The sale of this lot for the moving of a 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:

HDC recommended approval at their regular meeting of June 5, 2007.

Resolution No. 2007-48 (f)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 372 W. MUSKEGON AVENUE IN NELSON NEIGHBORHOOD FOR \$1,000.

WHEREAS, Kevin Eden, have placed a \$400 deposit for the parcel designated as parcel number 24-205-336-0009-00, located at 372 W. Muskegon Avenue;

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

WHEREAS, the sale is consistent with the Historic Home Infill Program;

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-336-0009-00, located at 372 W. Muskegon Avenue be sold to the above-mentioned buyer.

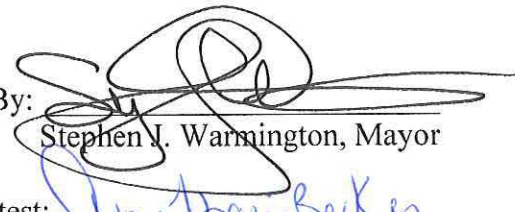
**CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 38.85 FEET OF LOT 10 &
THE NORTHERLY 41.25 FEET OF LOT 9 BLOCK 336;**

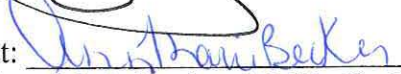
Adopted this 12th day of June, 2007

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

Nays: None

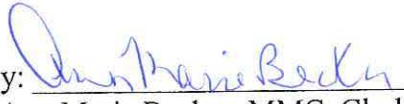
Absent None

By: 
Stephen J. Warmington, Mayor

Attest: 
Ann Marie Becker, MMC, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 12, 2007.

By: 
Ann Marie Becker, MMC, Clerk



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made _____, 2007 ("Effective Date"), by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **KEVIN EDEN**, a single man, of 5621 Duck Lake Road, Whitehall, Michigan 49461 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, the 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, located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 38.85 FT LOT 10 & NLY
41.25 FT LOT 9 BLK 336

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 One Thousand Dollars (\$1,000.00), payable in cash or bank certified check at the closing.

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, on or before the closing date, a commitment for title insurance, issued by Metropolitan Title 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 Buyer closes on the Premises, any objections to the title are deemed waived. 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 comply with the City of Muskegon's Policy for Sale of City-Owned Residential Property In the Historic Infill Area ("Policy"). Grantor or its assigns must either move a pre-approved historic home to the property,

or complete construction on a new historic home. If Grantee, or its assigns, chooses to relocate a Historic Home, the following must be complied with: (1) The home must not be taken from an existing historic district (unless it must be removed for pending development); (2) The removal of the home from its existing site is not detrimental to the area from which it is being moved; (3) The home will be owner-occupied, single-family residence; (4) The home is sound enough to move and it is feasible to rehabilitate it; (5) The person moving the home provides financial proof of financial ability and a time schedule for the project; (6) The home must be moved and the exterior work completed within eighteen months of closing; and (7) The plans and the home must be approved by the Historic District Commission prior to the sale of the property. The following must be complied with: (1) The home must be positioned on the lot in a manner similar to surrounding homes; (2) At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of the Historic District Commission and the Policy; (3) Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection; (4) At least two shade trees shall be provided on site of at least two and one half inches in diameter, four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement; (5) The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner; (6) The home shall meet with all other requirements of the Zoning Ordinance that are not addressed in the Policy. In default of such criteria, 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 single family home, and it shall be owner-occupied for five years after the City issues a certificate of occupancy. These covenants and conditions shall 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. **Closing.** The closing date of this sale shall be on or before 90 days after the Effective Date ("Closing"). The Closing shall be conducted at Metropolitan Title Company, _____, Muskegon, Michigan 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

9. **Delivery of Deed.** Seller shall execute and deliver a quitclaim deed to Buyer at Closing for the Premises.

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

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

12. **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 fee for the closing agent shall be split evenly between the parties.

13. **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 on the date written below their names, to be effective as of the day and year first above written.

WITNESSES:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

Hope Mitchell

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor
Date: 6-20-07

[Signature]
Ann Marie Becker, Clerk
Date: 6-20-07

BUYER:

[Signature]
Name: Kevin Eden
SS#: _____
Date: 6-5-07

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 **KEVIN EDEN**, a single man, of 5621 Duck Lake Road, Whitehall, Michigan 49461,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 38.85 FT LOT 10 & NLY 41.25 FT LOT 9 BLK 336

for the sum of One Thousand Dollars (\$1,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall comply with the City of Muskegon's Policy for Sale of City-Owned Residential Property In the Historic Infill Area ("Policy"). Grantor or its assigns must either move a pre-approved historic home to the property, or complete construction on a new historic home. If Grantee, or its assigns, chooses to relocate a Historic Home, the following must be complied with: (1) The home is sound enough to move and it is feasible to rehabilitate it; (2) The home must be moved and the exterior work completed within eighteen months of closing; and (3) The plans and the home must be approved by the Historic District Commission prior to the sale of the property. The following must also be complied with: (4) The home must be positioned on the lot in a manner similar to surrounding homes; (5) At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of the Historic District Commission and the Policy; (6) Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection; (7) At least two shade trees shall be provided on site of at least two and one half inches in diameter, four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement; (8) The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner; (9) The home shall meet with all other requirements of the Zoning Ordinance that are not addressed in the Policy. In default of such criteria, 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 single family home, and it shall be owner-occupied for five years after the City issues a certificate of occupancy. 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 _____ day of _____, 2007.

Signed in the presence of:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

By

Stephen J. Warmington, Mayor

and

Ann Marie Becker, Clerk

Signed and sworn to before me in Muskegon County, Michigan, on June 19, 2007, by STEPHEN J. WARMINGTON and Ann Marie Becker, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
601 Terrace Street/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda Potter
Linda Potter, Notary Public
Acting in the County of Muskegon, MI
Muskegon County, Michigan
My Comm. Expires: 9-25-2012

WHEN RECORDED RETURN TO: Grantee
SEND SUBSEQUENT TAX BILLS TO: Grantee



252560

C - All Parties Pkg

May include the following docs:

- ☐ Disclosure and Acknowledgement
- ☐ Owners Affidavit-Seller
- ☐ Owners Affidavit-Buyer
- ☐ Broker Fee Statement
- ☐ Property Transfer Affidavit
- ☐ Property Transfer Acknowledgement
- ☐ Inspections
- ☐ Closing Agreement

Description on CD:

Documents Common to All Parties

Copies to:

Buyer/Borrower, Seller, Selling Agent, Listing Agent, Lender, Title Company, Buyer's Attorney, Seller's Attorney

Property Address:

372 W. Muskegon Ave

Buyer/Borrower:

Eden

Seller:

City of Muskegon

Closing Office:

Muskegon



Resolution No. 2007-48(f)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 372 W. MUSKEGON AVENUE IN NELSON NEIGHBORHOOD FOR \$1,000.

WHEREAS, Kevin Eden, have placed a \$400 deposit for the parcel designated as parcel number 24-205-336-0009-00, located at 372 W. Muskegon Avenue;

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

WHEREAS, the sale is consistent with the Historic Home Infill Program;

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-336-0009-00, located at 372 W. Muskegon Avenue be sold to the above-mentioned buyer.

**CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 38.85 FEET OF LOT 10 &
THE NORTHERLY 41.25 FEET OF LOT 9 BLOCK 336;**

Adopted this 12th day of June, 2007

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

Nays: None

Absent None

By: 
Stephen J. Warmington, Mayor

Attest: 
Ann Marie Becker, MMC, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 12, 2007.

By: Ann Marie Becker
Ann Marie Becker, MMC, Clerk

Policy or Policies issued pursuant to this commitment are underwritten by:

First American Title Insurance Company

SCHEDULE A

Commitment No.: 252560
2202

Rev. A June 27, 2007

1. Commitment Date: June 01, 2007 @ 8:00 AM

2. Policy or Policies to be issued:

Policy Amount

(a) Residential Title Insurance Policy

\$1,000.00

Proposed Insured:

Kevin Eden

Policy or Policies to be Issued:

Policy Amount

(b) Expanded Coverage Residential Loan Policy (10/13/01)

Second Generation Eagle Loan Policy

Eagle Protection Loan Policy

Proposed Insured:

3. The Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
City of Muskegon

4. The land referred to in this Commitment, situated in the County of Muskegon, City of Muskegon, State of Michigan, is described as follows:

(SEE EXHIBIT A LEGAL DESCRIPTION)

372 W. Muskegon Avenue Muskegon, Michigan 49440



Issued By: Metropolitan Title Company
For questions regarding this commitment contact;
(231)733-6201 or fax to (231)733-5418
3044 Glade St., Muskegon, MI 49444

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section I REQUIREMENTS

Commitment No.: 252560

General Requirements

The following requirements must be met:

- (a) Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
- (b) Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- (c) Pay us the premiums, fees and charges for the policy.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will receive an interest in the land or who will make a loan on the land. We may make additional requirements or exceptions.
- (e) Submit completed Owner's Estoppel/Affidavit/ALTA Statement on the form provided by this company and signed by or on behalf of all owners.

Specific Requirements

Documents satisfactory to us creating the interest in the land and/or mortgage to be insured must be signed, delivered and recorded:

1. SUBMIT A COPY OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF CITY OF MUSKEGON, AUTHORIZING THE CONVEYANCE AND IDENTIFYING THE INDIVIDUAL(S) AUTHORIZED TO EXECUTE THE PROPOSED CONVEYANCE ON BEHALF OF THE CORPORATION.
2. WARRANTY DEED FROM CITY OF MUSKEGON TO KEVIN EDEN.
3. TAXES ARE EXEMPT:
61-24-205-336-0009-00

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section II EXCEPTIONS

Commitment No.: 252560

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens encumbrances adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Part One: General Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown on the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.

Part Two: Specific Exceptions

1. Oil, gas, mineral, and aboriginal antiquities reserved by the State of Michigan, and the terms, covenants and provisions contained in instrument recorded in Liber 1743, page 835.

**EXHIBIT A
LEGAL DESCRIPTION**

File No.: 252560

The land referred to in this Commitment, situated in the County of Muskegon, City of Muskegon, State of Michigan, is described as follows:

Southerly 38.85 feet Lot 10 and Northerly 41.25 feet, Lot 9, Block 336 according to the plat thereof recorded in Liber 3 of Plats, page 71 of Muskegon County Records.

Commitment for Title Insurance
FIRST AMERICAN TITLE INSURANCE COMPANY.

First American Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

First American Title Insurance Company

BY *Curt B. Johnson* PRESIDENT

ATTEST *Christy H. Kelley* SECRETARY



CONDITIONS:

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/>.

Issued by: **Metropolitan Title Company**
3044 Glade St.
Muskegon, Michigan 49444
Ph: (231)733-6201 or Fax to: (231)733-5418

NOTICE OF YOUR FINANCIAL PRIVACY RIGHTS

We want you to know that the privacy and confidentiality of your personal information is very important to Metropolitan Title Company. We value your business and we want to retain your trust. In the course of providing products and services to you, we may obtain nonpublic personal information about you. We are required by law to provide you with this notice in order to inform you how Metropolitan Title Company collects, uses and safeguards your nonpublic personal information. This notice also tells you how you can limit our disclosure of personal information about you.

What Information Do We Collect

We may obtain nonpublic personal information about you from the following sources:

- Information we receive from you from applications or other forms;
- Information about your transaction with us from our files or from our affiliates;
- Information about your transaction with nonaffiliated third parties such as your real estate agent or lender;

The information we obtain includes, but is not limited to, your name, address, social security number, employer, income, account information from financial institutions, parties to a transaction and credit card usage.

What Information Do We Disclose

To meet your needs with quality products and services we may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

AFFILIATES

Our affiliates are the family of companies controlled by Metropolitan Title Company or under common control with another company. We may share the types of information described above, as permitted by law, with our affiliates for purposes of marketing or market research.

NON-AFFILIATES

Nonaffiliated third parties are those not part of the family of companies controlled by Metropolitan Title Company or not under common control with another company.

Service Providers, Contractors

Any service providers or contractors used by Metropolitan Title Company are required to follow the terms of our Privacy Policy. Access to your nonpublic personal information by a service provider or contractor is restricted to the purpose for which they have been retained by Metropolitan Title Company.

Joint Marketing

We may disclose your personal information to a nonaffiliated third party that we have an agreement with to perform joint marketing of products or services that we feel may interest you.

Other Non-Affiliates

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

METROPOLITAN TITLE COMPANY DOES NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT THEIR CUSTOMERS OR FORMER CUSTOMERS EXCEPT, AS PERMITTED OR REQUIRED BY LAW.

The Confidentiality and Security of Your Nonpublic Personal Information

Metropolitan Title Company restricts the access to your nonpublic personal information to those employees who need to know the information in order to provide products and/or services to you. Our employees are required to maintain the confidentiality and privacy of our customers. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Changes to this policy

We may amend this policy at any time, and we will inform you of any changes as required by law.

Your Privacy Choices

The law allows us to share with our affiliates your personal information and information about our transactions or experiences with you. The law also allows us to share your personal information with our contractors and service providers.

If you prefer that we not disclose information about you to nonaffiliated third parties, you may direct us not to share this information by calling our Office at 1-800-848-5375 or by writing to us at 622 East Grand River, Howell, Michigan 48843. Please provide your name, address including city and state of the property and our file number.



Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444
Phone: (231)733-6201 / Fax: (231)733-5418

PR: METRO

Ofc: 2202 (2802)

Invoice

To: City of Muskegon
933 Terrace St.
Muskegon, MI 49443

Invoice No.: 28021598
Date: 06/14/2007
Our File No.: 252560
Title Officer: /
Escrow Officer: Vicki Anderson / VIANDERSON
Customer ID: 60615

Attention: Hope Mitchell

Your Reference No.:

RE: Property:
372 W. Muskegon Avenue, Muskegon, MI 49440

Liability Amounts
Owners: \$1,000.00
Lenders:

Buyers: Kevin Eden
Sellers: City of Muskegon

Description of Charge	Invoice Amount
Owners Premium	\$210.00

INVOICE TOTAL \$210.00

Comments:

Thank you for your business!

*To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department*

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made June 19, 2007 ("Effective Date"), by and between the CITY OF MUSKEGON, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and KEVIN EDEN, a single man, of 5621 Duck Lake Road, Whitehall, Michigan 49461 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, the 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, located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 38.85 FT LOT 10 & NLY
41.25 FT LOT 9 BLK 336

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 One Thousand Dollars (\$1,000.00), payable in cash or bank certified check at the closing.

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, on or before the closing date, a commitment for title insurance, issued by Metropolitan Title 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 Buyer closes on the Premises, any objections to the title are deemed waived. 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 comply with the City of Muskegon's Policy for Sale of City-Owned Residential Property In the Historic Infill Area ("Policy"). Grantor or its assigns must either move a pre-approved historic home to the property,

or complete construction on a new historic home. If Grantee, or its assigns, chooses to relocate a Historic Home, the following must be complied with: (1) The home must not be taken from an existing historic district (unless it must be removed for pending development); (2) The removal of the home from its existing site is not detrimental to the area from which it is being moved; (3) The home will be owner-occupied, single-family residence; (4) The home is sound enough to move and it is feasible to rehabilitate it; (5) The person moving the home provides financial proof of financial ability and a time schedule for the project; (6) The home must be moved and the exterior work completed within eighteen months of closing; and (7) The plans and the home must be approved by the Historic District Commission prior to the sale of the property. The following must be complied with: (1) The home must be positioned on the lot in a manner similar to surrounding homes; (2) At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of the Historic District Commission and the Policy; (3) Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection; (4) At least two shade trees shall be provided on site of at least two and one half inches in diameter, four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement; (5) The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner; (6) The home shall meet with all other requirements of the Zoning Ordinance that are not addressed in the Policy. In default of such criteria, 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 single family home, and it shall be owner-occupied for five years after the City issues a certificate of occupancy. These covenants and conditions shall 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. **Closing.** The closing date of this sale shall be on or before 90 days after the Effective Date ("Closing"). The Closing shall be conducted at Metropolitan Title Company, _____, Muskegon, Michigan 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

9. **Delivery of Deed.** Seller shall execute and deliver a quitclaim deed to Buyer at Closing for the Premises.

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

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

12. **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 fee for the closing agent shall be split evenly between the parties.

13. **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 on the date written below their names, to be effective as of 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
Date: 6-20-07

Ann Marie Becker
Ann Marie Becker, Clerk
Date: 6-20-07

BUYER:

Hope Mitchell

Kevin Eden
Name: Kevin Eden
SS#: _____
Date: 6-5-07

DISCLOSURE AND ACKNOWLEDGMENT

Date: July 03, 2007

Property Address: 372 W. Muskegon Avenue, Muskegon, MI 49440

By signing this statement the undersigned acknowledge the following:

1. That all closing documents prepared by Metropolitan Title Company are prepared at the direction and request of all parties to the transaction, their real estate agent(s)/broker(s) or attorney(s).
2. That **Metropolitan Title Company is not acting as my agent, attorney, representative or fiduciary**, at this real estate closing.
3. That Metropolitan Title Company's employee who has attended this closing represents only Metropolitan Title Company.
4. That Metropolitan Title Company's employee who has identified certain documents to me as he/she has presented them to me for signing, but **has not given me legal advice as to the meaning or effect of the documents**. I understand that any of his/her statements about the documents are not legal advice to me. If I have an attorney, that attorney is my only attorney in this transaction.
5. That I have either read all of the closing documents or am responsible for my own failure to have read them. **I understand that Metropolitan Title Company is not responsible for explaining to me the effect of the documents I have signed.**
6. That the title policy, when issued, will contain all of the exceptions noted on the commitment, unless such exceptions are removed to the satisfaction of Metropolitan Title Company at closing.
7. **That I have read this statement and understand it.**

Seller(s):

Dore Mitchell

Buyer(s)/Borrower(s):

Samir Edin



Metropolitan Title Company

File Number: 252560

OWNER'S AFFIDAVIT/COMPLIANCE AGREEMENT

File Number: 252560
Date: July 03, 2007
Reference: Eden /
Property Address: 372 W. Muskegon Avenue, Muskegon, MI 49440

Forwarding Address:
933 Terrace St
Muskegon, MI 49440

(To be executed by all parties shown as vested owners in the commitment for title insurance.)

Affiant makes the representations contained herein to induce the purchaser to consummate the transaction referenced in the commitment, to obtain the proceeds of the sale, and to induce Metropolitan Title Company to issue a policy(s) of title insurance on behalf of the underwriter named in the commitment. Affiant further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility and obligation of the Affiant, that the Affiant shall pay any and all amounts so charged and shall provide proof of payment of same to Metropolitan Title Company. Affiant further agrees and covenants, if requested by Metropolitan Title Company, to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

The undersigned, being first duly sworn, deposes and says as follows:

1. That Affiant is 18 years of age or older, is a citizen of the United States, has not married or divorced since purchasing the real estate, and has not used or been known by any other name;
2. That Affiant is the owner of certain premises described in Commitment No. 252560, and has not filed, nor is subject to any bankruptcy, receivership, or insolvency proceedings;
3. That the Affiant is in the possession of said property and there are no other parties in possession or claiming rights of possession; (NONE, unless noted)
4. That Affiant has no knowledge of any unrecorded water, mineral, gas or oil rights unrecorded easements or claims of easements, boundary line disputes or claims of such grants or rights relative thereto; (NONE, unless noted)
5. That there are no proceedings instituted or undertaken by anyone which will result in a lien or special assessment upon the premises. There are no delinquent taxes, special assessments, (including but not limited to any Barrett Law Assessments if property is located in the State of Indiana), water bills, sewer bills and assessments, weed cutting bills, board-up fees, tap-in fees, utility bills, or Homeowner's Association fees covering subject property; (NONE, unless noted)
6. That there have been no improvements made nor labor or materials furnished to the premises within the last 90 days; (NONE, unless noted)
7. That Affiant has no knowledge of any other matters affecting the title including but not limited to: mortgages, liens, land contracts, options or other encumbrances other than those which are being paid from the loan proceeds. (NONE, unless noted)

Subscribed and sworn to before me this July 03, 2007.

Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

JULIE LAW BENEDICT
Notary Public, Ottawa Co., Michigan
My Commission Expires 04/26/2013
Acting in the County of Muskegon

Vested Owner(s):

Hope Mitchell



Metropolitan Title Company

File Number: 252560

OWNER'S AFFIDAVIT/COMPLIANCE AGREEMENT - *continued*

(To be executed by the Purchasers)

The undersigned makes the representations contained herein to induce Metropolitan Title Company to issue a policy(s) of title insurance on behalf of the underwriter named in the commitment. The undersigned further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility and obligation of the undersigned, that the undersigned shall pay any and all amounts so charged and shall provide proof of payment of same to Metropolitan Title Company.

The undersigned further agrees and covenants, if requested by Metropolitan Title Company, to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

The undersigned further certify that they are 18 years of age or older.

Subscribed and sworn to before me this July 03, 2007.

Purchaser(s):

Notary Public:

Notary County/State: /

County Acting In:

Commission Expires:

JULIE LAW BENEDICT
Notary Public, Ottawa Co., Michigan
My Commission Expires 04/26/2013
Acting in the County of Muskegon



Metropolitan Title Company

File Number: 252560

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The information we obtain includes, but is not limited to, your name, address, social security number, employer, income, account information from financial institutions, parties to a transaction and credit card usage.

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We may amend this policy at any time, and we will inform you of any changes as required by law.

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The law allows us to share with our affiliates your personal information and information about our transactions or experiences with you. The law also allows us to share your personal information with our contractors and service providers.

If you prefer that we not disclose information about you to nonaffiliated third parties, you may direct us not to share this information by calling our Office at 1-800-848-5375 or by writing to us at 622 East Grand River, Howell, Michigan 48843. Please provide your name, address including city and state of the property and our file number.



Metropolitan Title Company

File Number: 252560

CLOSING AGREEMENT

File Number: 252560
Date: July 03, 2007
Property Address: 372 W. Muskegon Avenue, Muskegon, MI 49440

It is agreed, between the Purchaser(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, dated 6/19/07 have been met or are hereby resolved or removed to the satisfaction of the parties concerned.

Purchaser(s) understand and acknowledged that he/she/they are buying the property in an "As Is" condition and that neither the Seller(s) nor Realtor(s) make any warranties as to the land and structure purchased or the condition.

Seller(s):

Depe Mitchell

Purchaser(s):

Brian Elmer



Metropolitan Title Company

File Number: 252560

ACKNOWLEDGMENT OF WAIVER OF INSPECTIONS

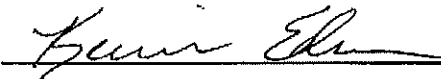
File Number: 252560
Date: July 03, 2007
Property Address: 372 W. Muskegon Avenue, Muskegon, MI 49440

The undersigned, being the purchaser(s) of the above captioned property, acknowledge that we have been advised by the selling broker and/or listing broker and/or its agents to obtain inspections on said property as noted below:

	Waived	
	(Yes)	(No)
Water/Septic Inspection	☒	☐
Termite Inspection	☒	☐
Health Inspection Report	☒	☐
Electrical, Plumbing, Heating Inspection	☒	☐
Structural Inspection	☒	☐
Survey	☒	☐
Other Inspection:	☒	☐
Other Inspection:	☒	☐
Other Inspection:	☒	☐
Other Inspection:	☒	☐

Purchaser(s) hereby acknowledge and agree that they have chosen not to obtain the inspections as noted above and purchaser(s) hereby release the selling broker and/or listing broker and/or their agents and Metropolitan Title Company and its employees from any and all responsibility and/or liability concerning or pertaining to such matters that may or may not have been determined as the result of inspection report(s) as noted above.

Purchaser(s):





Metropolitan Title Company

PROPERTY TRANSFER AFFIDAVIT

This form issued under authority of
P.A. 415 of 1994. **Filing is mandatory.**

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct **taxable value**. It must be filed by the new owner with the **assessor for the city or township** where the property is located within **45 days** of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property 372 W. Muskegon Avenue, Muskegon, MI 49440	2. County Muskegon	4. Date of Transfer (or land contract was signed) July 03, 2007
3. City/Township/Village of Real Estate City of Muskegon	☐ City ☐ Township ☐ Village	5. Purchase Price of Real Estate \$1,000.00
6. Property Identification Number (PIN). If you don't have a pin, attach legal description. PIN: 61-24-205-336-0009-00, 24-205-336-0009-00		PIN . This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.
7. Seller's (Transferor) Name City of Muskegon	8. Buyer's (Transferee) Name and Mailing Address Kevin Eden 372 W. Muskegon Muskegon, MI 49440	
9. Type of Transfer ☐ Land Contract ☐ Lease ☒ Deed ☐ Other (specify) _____		
10. Is the transfer between related persons? ☐ Yes ☒ No	11. Amount of Down Payment	
12. If you financed the purchase, did you pay market rate of interest? ☐ Yes ☒ No	13. Amount Financed (Borrowed)	

Items 9 – 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in business. See the back for a complete list.

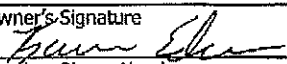
Exemptions

The Michigan Constitution limits how much a property's **taxable value** can increase while it is owned by the same person. Once the property is transferred, the **taxable value** must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-n). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ transfer from one spouse to the other spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer of that portion of a property subject to a life lease or life estate (**until** the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the settler or the settler's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer between entities under common control or among members of an affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed
- ☐ other, specify:

Certification

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature 	Date 07/03/2007	If signer is other than the owner, print name and title.
Daytime Phone Number		Email Address

Instructions

This form must be filed when there is a transfer of real property or of the following types of personal property:

- buildings on leased land.
- leasehold improvements (as defined in MCL Section 211.8 (h)).
- leasehold estates (as defined in MCL Section 211.8 (i) and (j)).

Transfer of ownership means the conveyance of title to or a present interest in property, including the beneficial use of the property. It includes, but is not limited to, the following conveyances:

- deed.
- land contract.
- transfer into a trust, *unless* the sole beneficiary is the settlor (creator of the trust), the settlor's spouse, or both.
- transfer from a trust, *unless* the distributee is the sole present beneficiary, the spouse of the sole present beneficiary, or both.
- changes in the sole present beneficiary of a trust, *unless* the change only adds or substitutes the spouse of the sole present beneficiary.
- distributions by a will or intestate succession, *unless* to the decedent's spouse.
- leases, if the total duration of the lease is more than 35 years, including the initial term and all options for renewal, or if the lease grants the lessee the right to purchase the property at the end of the lease for not more than 80 percent of the property's projected true cash value at the end of the lease.
- transfers of more than a 50 percent interest in the ownership of a business, *unless* the ownership is gained through the normal public trading of shares of stock.
- transfers of property held as a tenancy in common, except the portion of the property not subject to the ownership interest conveyed.

For complete descriptions of qualifying transfers, please refer to MCL Section 211.27a(6)(a-i).

Excerpts from Michigan Compiled Laws (MCL), Chapter 211

Section 211.27a(8)

"...the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission that states the parties of the transfer, the date of the transfer, the actual consideration for the transfer, and the property's parcel identification number or legal description."

Section 211.27(5)

"...Beginning December 31, 1994, the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred. In determining the true cash value of the transferred property, an assessing officer shall assess that property using the same valuation method used to value all other property of that same classification in the assessing jurisdiction."

PROPERTY TRANSFER AFFIDAVIT ACKNOWLEDGMENT

File Number: 252560
Date: July 03, 2007
Reference: Kevin Eden / City of Muskegon
Property Address: 372 W. Muskegon Avenue, Muskegon, MI 49440

I/We, the undersigned Purchaser, Grantee or Transferee, have been advised that under Act 415, P.A. of 1994, Form L-4260 (Rev. 1/06) **Property Transfer Affidavit** must be completed and received by the local assessor within **45 days** of the date of transfer.

I/We further understand that the failure to file is **punishable by penalty of \$5.00 a day up to a maximum of \$200.00.**

I/We have received from Metropolitan Title Company on **July 03, 2007**, a **Property Transfer Affidavit**, Form L-4260 (Rev. 1/06), and accept responsibility for filing this form with our city/township assessor. I/We agree to hold **Metropolitan Title Company** harmless from any further liability and/or responsibility regarding this form.



I/We have requested that Metropolitan Title Company distribute this form by regular mail to the city/township assessor, and hold the title company harmless from any further liability and/or responsibility regarding this form.



That the Buyer(s) are unable to complete the Property Transfer Affidavit at this time and will undertake to distribute the form themselves; or have chosen to distribute the form themselves to the local tax collecting unit.

Purchaser(s):

Kevin Eden



Metropolitan Title Company

File Number: 252560



252560

I - Recordings

May include the following docs:

☐ Deed

Description on CD:

Documents to be Recorded

Copies to:

Title Company, Buyer/Borrower, Seller, Selling Agent, Listing Agent, Mortgage Broker,
Lender, Buyer's Attorney, Seller's Attorney

Property Address:

372 W. Muskegon Ave

Buyer/Borrower:

Eden

Seller:

City of Muskegon

Closing Office:

Muskegon

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 **KEVIN EDEN**, a single man, of 5621 Duck Lake Road, Whitehall, Michigan 49461,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 38.85 FT LOT 10 & NLY 41.25 FT LOT 9 BLK 336

for the sum of One Thousand Dollars (\$1,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall comply with the City of Muskegon's Policy for Sale of City-Owned Residential Property in the Historic Infill Area ("Policy"). Grantor or its assigns must either move a pre-approved historic home to the property, or complete construction on a new historic home. If Grantee, or its assigns, chooses to relocate a Historic Home, the following must be complied with: (1) The home is sound enough to move and it is feasible to rehabilitate it; (2) The home must be moved and the exterior work completed within eighteen months of closing; and (3) The plans and the home must be approved by the Historic District Commission prior to the sale of the property. The following must also be complied with: (4) The home must be positioned on the lot in a manner similar to surrounding homes; (5) At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of the Historic District Commission and the Policy; (6) Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection; (7) At least two shade trees shall be provided on site of at least two and one half inches in diameter, four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement; (8) The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner; (9) The home shall meet with all other requirements of the Zoning Ordinance that are not addressed in the Policy. In default of such criteria, 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 single family home, and it shall be owner-occupied for five years after the City issues a certificate of occupancy. 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 19 day of June, 2007.

Signed in the presence of:

Linda Potter
Linda Potter

Irene Dempsey
Irene Dempsey

STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

and [Signature]
Ann Marie Becker, Clerk

Signed and sworn to before me in Muskegon County, Michigan, on June 19, 2007, by
STEPHEN J. WARMINGTON and Ann Marie Becker, the Mayor and Clerk, respectively, of the CITY OF
MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
601 Terrace Street/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda Potter
Linda Potter, Notary Public
Acting in the County of Muskegon, MI
Muskegon County, Michigan
My Comm. Expires: 9-25-2012

WHEN RECORDED RETURN TO: Grantee
SEND SUBSEQUENT TAX BILLS TO: Grantee

Date: June 12, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Park St., Hackley Ave. to Young Ave. (H-1617)

SUMMARY OF REQUEST:

Award the contract for the reconstruction for Park St. from Hackley Ave. to Young Ave. to Jackson-Merkey Contractors, Inc. of Muskegon, MI since they were the lowest responsible bidder with a bid price of \$249,699.60.

FINANCIAL IMPACT:

The construction cost of \$249,699.60 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Jackson-Merkey Contractors, Inc.

COMMITTEE RECOMMENDATION:

BID TABULATION 05/08/07

		CONTRACTOR ADDRESS CITY/ST/ZIP		ENGINEER'S ESTIMATE		JACKSON-MERKEY CONTR., INC 555 E. WESTERN AVE. MUSKEGON, MI 49441		DAN HOE EXCAVATING 13864 ROCKY'S RD HOLLAND, MI 49424		WADEL STABILIZATION, INC. 2500 N. OCEANA DR. HART, MI 49420		MCCORMICK SAND, INC. 5430 RUSSELL RD. TWIN LAKE, MI 49457		DIVERSCO CONSTRUCTION 675 CLYDE COURT SW BYRON CENTER, MI 49315		C&AMMINGA & ROODVOETS, INC 3435 BROADMOOR AVE. SE GRAND RAPIDS, MI 49512	
ITEM OF WORK				UNIT	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	ADJ. CATCH BASIN CASTING	EA.	4	\$400.00	\$1,600.00	\$ 380.00	\$ 1,520.00	\$ 375.00	\$ 1,500.00	\$ 350.00	\$ 1,400.00	\$ 250.00	\$ 1,000.00	\$ 325.00	\$ 1,300.00	\$ 350.00	\$ 1,400.00
2	ADJ. MANHOLE CASTING	EA.	4	\$400.00	\$1,600.00	\$ 445.00	\$ 1,780.00	\$ 375.00	\$ 1,500.00	\$ 450.00	\$ 1,800.00	\$ 450.00	\$ 1,800.00	\$ 450.00	\$ 1,800.00	\$ 400.00	\$ 1,600.00
3	AGG. BASE COURSE 22A @ 8" C.I.P.	S.Y.	4931	\$7.00	\$34,517.00	\$ 5.90	\$ 29,092.90	\$ 5.00	\$ 24,655.00	\$ 6.25	\$ 30,818.75	\$ 6.00	\$ 29,588.00	\$ 6.25	\$ 30,818.75	\$ 6.40	\$ 31,558.40
4	AGG. SURFACE COURSE 22A @ 6" C.I.P.	TONS	4	\$25.00	\$100.00	\$ 16.80	\$ 67.20	\$ 30.00	\$ 120.00	\$ 15.00	\$ 60.00	\$ 15.00	\$ 60.00	\$ 20.00	\$ 80.00	\$ 38.00	\$ 152.00
5	BIT. LEVELING MIX #3C @ 220#/S.Y.	TONS	587	\$54.00	\$31,698.00	\$ 54.70	\$ 32,108.90	\$ 54.00	\$ 31,698.00	\$ 52.11	\$ 30,588.57	\$ 54.72	\$ 32,120.64	\$ 53.00	\$ 31,111.00	\$ 52.11	\$ 30,588.57
6	BIT. TOP MIX #4C POLYMER @ 165#/S.Y.	TONS	440	\$57.00	\$25,080.00	\$ 60.00	\$ 26,400.00	\$ 59.00	\$ 25,960.00	\$ 57.75	\$ 25,410.00	\$ 59.97	\$ 26,386.80	\$ 58.00	\$ 25,520.00	\$ 57.11	\$ 25,128.40
7	CATCH BASIN CASTING, E.J.#5105 OR EQUAL	EA.	1	\$700.00	\$700.00	\$ 475.00	\$ 475.00	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 549.00	\$ 549.00	\$ 650.00	\$ 650.00
8	CATCH BASIN CASTING, E.J.#7045 OR EQUAL	EA.	8	\$700.00	\$5,600.00	\$ 535.00	\$ 4,280.00	\$ 500.00	\$ 4,000.00	\$ 650.00	\$ 5,200.00	\$ 600.00	\$ 4,800.00	\$ 700.00	\$ 5,600.00	\$ 520.00	\$ 4,160.00
9	CATCH BASIN FLAT TOP	EA.	5	\$1,350.00	\$6,750.00	\$ 955.00	\$ 4,775.00	\$ 2,000.00	\$ 10,000.00	\$ 1,350.00	\$ 6,750.00	\$ 1,100.00	\$ 5,500.00	\$ 1,175.00	\$ 5,875.00	\$ 1,110.00	\$ 5,550.00
10	CATCH BASIN INLET SPECIAL DETAIL	EA.	2	\$900.00	\$1,800.00	\$ 810.00	\$ 1,620.00	\$ 1,500.00	\$ 3,000.00	\$ 750.00	\$ 1,500.00	\$ 500.00	\$ 1,000.00	\$ 975.00	\$ 1,950.00	\$ 825.00	\$ 1,650.00
11	CEMENT	TONS	6	\$120.00	\$720.00	\$ 192.50	\$ 1,155.00	\$ 175.00	\$ 1,050.00	\$ 175.00	\$ 1,050.00	\$ 50.00	\$ 300.00	\$ 175.00	\$ 1,050.00	\$ 150.00	\$ 900.00
12	CONC. CURB & GUTTER, DETAIL F-4 MOD.	L.F.	1584	\$8.00	\$12,672.00	\$ 9.70	\$ 15,364.80	\$ 10.00	\$ 15,840.00	\$ 10.00	\$ 15,840.00	\$ 9.52	\$ 15,079.68	\$ 7.75	\$ 12,276.00	\$ 13.00	\$ 20,592.00
13	CONC. DRIVE APPROACH 6" STD.	S.Y.	66	\$25.00	\$1,650.00	\$ 25.80	\$ 1,702.80	\$ 30.00	\$ 1,980.00	\$ 27.00	\$ 1,782.00	\$ 24.38	\$ 1,609.08	\$ 22.50	\$ 1,485.00	\$ 29.50	\$ 1,947.00
14	CONC. DRIVE APPROACH 8" STD.	S.Y.	177	\$35.00	\$6,195.00	\$ 29.30	\$ 5,186.10	\$ 32.00	\$ 5,664.00	\$ 30.50	\$ 5,398.60	\$ 27.93	\$ 4,943.61	\$ 25.65	\$ 4,540.05	\$ 38.80	\$ 6,867.60
15	CONC. SIDEWALK 4"	S.F.	6330	\$2.75	\$17,407.50	\$ 2.30	\$ 14,559.00	\$ 2.50	\$ 15,825.00	\$ 2.45	\$ 15,508.50	\$ 2.30	\$ 14,559.00	\$ 1.95	\$ 12,343.50	\$ 2.80	\$ 17,724.00
16	CONC. SIDEWALK 6"	S.F.	230	\$3.00	\$690.00	\$ 2.90	\$ 667.00	\$ 3.00	\$ 690.00	\$ 3.00	\$ 690.00	\$ 2.88	\$ 662.40	\$ 2.50	\$ 575.00	\$ 3.85	\$ 885.50
17	CONC. SIDEWALK 8"	S.F.	605	\$4.50	\$2,722.50	\$ 3.30	\$ 1,996.50	\$ 3.50	\$ 2,117.50	\$ 3.35	\$ 2,026.75	\$ 3.25	\$ 1,966.25	\$ 2.85	\$ 1,724.25	\$ 4.40	\$ 2,662.00
18	DROP	EA.	10	\$150.00	\$1,500.00	\$ 130.00	\$ 1,300.00	\$ 115.00	\$ 1,150.00	\$ 125.00	\$ 1,250.00	\$ 100.00	\$ 1,000.00	\$ 110.00	\$ 1,100.00	\$ 125.00	\$ 1,250.00
19	EXCAVATION	C.Y.	1433	\$10.00	\$14,330.00	\$ 6.50	\$ 9,314.50	\$ 15.00	\$ 21,495.00	\$ 8.00	\$ 11,464.00	\$ 14.69	\$ 21,050.77	\$ 14.00	\$ 20,062.00	\$ 15.00	\$ 21,495.00
20	MANHOLE CASTING, E.J.#1045 OR EQUAL	EA.	10	\$550.00	\$5,500.00	\$ 380.00	\$ 3,800.00	\$ 400.00	\$ 4,000.00	\$ 810.00	\$ 8,100.00	\$ 550.00	\$ 5,500.00	\$ 495.00	\$ 4,950.00	\$ 450.00	\$ 4,500.00
21	MANHOLE STD., 0' TO 10', 4' I.D.	EA.	4	\$1,600.00	\$6,400.00	\$ 2,070.00	\$ 8,280.00	\$ 1,325.00	\$ 5,300.00	\$ 1,550.00	\$ 6,200.00	\$ 2,000.00	\$ 8,000.00	\$ 1,910.00	\$ 7,640.00	\$ 1,550.00	\$ 6,200.00
22	PAVEMENT MARKING, OVERLAY, COLD PLASTIC, (ONLY)	EA.	1	\$80.00	\$80.00	\$ 126.50	\$ 126.50	\$ 80.00	\$ 80.00	\$ 115.00	\$ 115.00	\$ 105.00	\$ 105.00	\$ 115.00	\$ 115.00	\$ 115.00	\$ 115.00
23	PAVEMENT MARKING, OVERLAY, COLD PLASTIC, (LEFT TURN ARROW)	EA.	1	\$125.00	\$125.00	\$ 115.50	\$ 115.50	\$ 80.00	\$ 80.00	\$ 105.00	\$ 105.00	\$ 105.00	\$ 105.00	\$ 105.00	\$ 105.00	\$ 105.00	\$ 105.00
24	PAVEMENT MARKING, OVERLAY, COLD PLASTIC, 6 INCH, CROSSWALK	L.F.	474	\$2.00	\$948.00	\$ 3.00	\$ 1,422.00	\$ 2.00	\$ 948.00	\$ 2.75	\$ 1,303.50	\$ 2.00	\$ 948.00	\$ 2.75	\$ 1,303.50	\$ 2.75	\$ 1,303.50
25	PAVEMENT MARKING, OVERLAY, COLD PLASTIC, 18 INCH, STOP BAR	L.F.	73	\$6.00	\$438.00	\$ 9.10	\$ 664.30	\$ 5.60	\$ 408.80	\$ 8.25	\$ 602.25	\$ 5.83	\$ 425.59	\$ 8.25	\$ 602.25	\$ 8.25	\$ 602.25
26	PAVEMENT MARKING, WATERBORNE, 4 INCH, WHITE	L.F.	117	\$0.30	\$35.10	\$ 0.90	\$ 105.30	\$ 0.75	\$ 87.75	\$ 0.86	\$ 100.62	\$ 0.79	\$ 92.43	\$ 0.86	\$ 100.62	\$ 0.86	\$ 100.62
27	YELLOW	L.F.	833	\$0.30	\$249.90	\$ 0.90	\$ 749.70	\$ 0.75	\$ 624.75	\$ 0.86	\$ 716.38	\$ 0.79	\$ 658.07	\$ 0.86	\$ 716.38	\$ 0.86	\$ 716.38
28	REM. BIT SURFACE	S.Y.	224	\$5.00	\$1,120.00	\$ 3.00	\$ 672.00	\$ 3.00	\$ 672.00	\$ 6.00	\$ 1,344.00	\$ 3.00	\$ 672.00	\$ 6.00	\$ 1,792.00	\$ 6.50	\$ 1,456.00
29	REM. CATCH BASIN	EA.	1	\$300.00	\$300.00	\$ 345.00	\$ 345.00	\$ 100.00	\$ 100.00	\$ 450.00	\$ 450.00	\$ 250.00	\$ 250.00	\$ 235.00	\$ 235.00	\$ 165.00	\$ 165.00
30	REM. CONC. CURB	L.F.	21	\$7.50	\$157.50	\$ 15.00	\$ 315.00	\$ 5.00	\$ 105.00	\$ 10.00	\$ 210.00	\$ 10.00	\$ 210.00	\$ 5.00	\$ 105.00	\$ 15.00	\$ 315.00
31	REM. CONC. CURB & GUTTER	L.F.	548	\$5.00	\$2,740.00	\$ 3.50	\$ 1,918.00	\$ 2.00	\$ 1,096.00	\$ 4.50	\$ 2,466.00	\$ 5.00	\$ 2,740.00	\$ 5.50	\$ 3,014.00	\$ 7.00	\$ 3,836.00
32	REM. CONC. DRIVE APPROACH	S.Y.	72	\$10.00	\$720.00	\$ 6.25	\$ 450.00	\$ 3.25	\$ 234.00	\$ 6.00	\$ 432.00	\$ 5.00	\$ 360.00	\$ 7.00	\$ 504.00	\$ 7.50	\$ 540.00
33	REM. CONC. SIDEWALK	S.F.	1218	\$1.00	\$1,218.00	\$ 0.75	\$ 913.50	\$ 1.00	\$ 1,218.00	\$ 0.50	\$ 609.00	\$ 1.00	\$ 1,218.00	\$ 0.75	\$ 913.50	\$ 5.70	\$ 6,942.60
34	REM. MANHOLE	EA.	3	\$300.00	\$900.00	\$ 345.00	\$ 1,035.00	\$ 100.00	\$ 300.00	\$ 350.00	\$ 1,050.00	\$ 500.00	\$ 1,500.00	\$ 235.00	\$ 705.00	\$ 165.00	\$ 495.00
35	REM. TREES 8" - 12"	EA.	5	\$250.00	\$1,250.00	\$ 185.00	\$ 925.00	\$ 350.00	\$ 1,750.00	\$ 100.00	\$ 500.00	\$ 160.00	\$ 800.00	\$ 250.00	\$ 1,250.00	\$ 147.00	\$ 735.00
36	REM. TREES 13" - 24"	EA.	6	\$450.00	\$2,700.00	\$ 320.00	\$ 1,920.00	\$ 450.00	\$ 2,700.00	\$ 300.00	\$ 1,800.00	\$ 315.00	\$ 1,890.00	\$ 450.00	\$ 2,700.00	\$ 401.00	\$ 2,406.00
37	REM. TREES 25" - 36"	EA.	1	\$650.00	\$650.00	\$ 600.00	\$ 600.00	\$ 750.00	\$ 750.00	\$ 600.00	\$ 600.00	\$ 500.00	\$ 500.00	\$ 750.00	\$ 750.00	\$ 697.00	\$ 697.00
38	SANITARY SEWER, SERVICE, 6", P.V.C., SDR 35	L.F.	466	\$30.00	\$13,980.00	\$ 27.10	\$ 12,628.60	\$ 30.00	\$ 13,980.00	\$ 28.00	\$ 13,048.00	\$ 33.00	\$ 15,378.00	\$ 25.7	\$ 12,442.20	\$ 46.00	\$ 21,436.00
39	SANITARY SEWER, 8", P.V.C., SDR 35	L.F.	146	\$35.00	\$5,110.00	\$ 28.60	\$ 4,175.60	\$ 25.00	\$ 3,650.00	\$ 30.00	\$ 4,380.00	\$ 41.00	\$ 5,986.00	\$ 34	\$ 4,964.00	\$ 47.00	\$ 6,882.00
40	SANITARY SEWER, 10", P.V.C., SDR 35	L.F.	1251	\$35.00	\$43,785.00	\$ 30.00	\$ 37,530.00	\$ 30.00	\$ 37,530.00	\$ 32.00	\$ 40,032.00	\$ 35.00	\$ 43,785.00	\$ 47.50	\$ 59,422.50	\$ 48.00	\$ 60,048.00
41	SANITARY SEWER WYE, 10" x 6", P.V.C., SDR 35	EA.	14	\$200.00	\$2,800.00	\$ 215.00	\$ 3,010.00	\$ 115.00	\$ 1,610.00	\$ 150.00	\$ 2,100.00	\$ 275.00	\$ 3,850.00	\$ 153.00	\$ 2,142.00	\$ 225.00	\$ 3,150.00
42	STORM SEWER, 10", D.I., CL. 52	L.F.	13	\$50.00	\$650.00	\$ 46.80	\$ 608.40	\$ 55.00	\$ 715.00	\$ 65.00	\$ 845.00	\$ 40.00	\$ 520.00	\$ 51.00	\$ 663.00	\$ 75.00	\$ 975.00
43	STORM SEWER, 12", C-76, CL. V	L.F.	203	\$30.00	\$6,090.00	\$ 31.00	\$ 6,293.00	\$ 14.00	\$ 2,842.00	\$ 38.00	\$ 7,714.00	\$ 23.00	\$ 4,689.00	\$ 29.00	\$ 5,887.00	\$ 50.00	\$ 10,150.00
44	TERRACE GRADING	L.F.	1245	\$13.00	\$16,185.00	\$ 4.50	\$ 5,602.50	\$ 5.00	\$ 6,225.00	\$ 4.00	\$ 4,980.00	\$ 9.00	\$ 11,205.00	\$ 9.00	\$ 11,205.00	\$ 6.00	\$ 7,470.00
45	TRAFFIC CONTROL	L.S.	1	\$8,000.00	\$8,000.00	\$ 1,650.00	\$ 1,650.00	\$ 3,000.00	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 3,758.00	\$ 3,758.00	\$ 9,925.00	\$ 9,925.00	\$ 16,800.00	\$ 16,800.00
46	WATER VALVE BOX & COVER COMPLETE	EA.	2	\$250.00	\$500.00	\$ 240.00	\$ 480.00	\$ 200.00	\$ 400.00	\$ 350.00	\$ 700.00	\$ 300.00	\$ 600.00	\$ 230.00	\$ 460.00	\$ 800.00	\$ 1,600.00
TOTAL						\$290,463.50	\$ 249,699.60	\$ 259,150.80	\$ 264,739.82	\$ 275,749.32	\$ 294,371.50	\$ 336,281.82					

Date: June 12, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Diana Ave., Ransom St. to Terrace St. (W-624)

SUMMARY OF REQUEST:

Award the contract for the watermain replacement and minor service upgrade for Diana Ave. from Ransom St. to Terrace St. to Felco Contractors, Inc. of Muskegon, MI since they were the lowest responsible bidder with a bid price of \$39,552.20.

FINANCIAL IMPACT:

The construction cost of \$39,552.20 plus engineering costs which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Felco Contractors, Inc.

COMMITTEE RECOMMENDATION:

W-624 DIANA AVE. RANSOM ST. TO TERRACE ST.

WATERMAIN IMPROVEMENTS

BID TABULATION - 06/05/07

ITEM OF WORK		CONTRACTOR ADDRESS CITY/ST/ZIP		ENGINEER'S ESTIMATE		FELCO CONTRACTORS, INC 856 PULASKI AVE. MUSKEGON, MI 49441		JACKSON-MERKEY CONTR, INC 555 E. WESTERN AVE. MUSKEGON, MI 49441		WADEL STABILIZATION, INC. 2500 N. OCEANA DR. HART, MI 49420		MCCORMICK SAND, INC. 5430 RUSSELL RD. TWIN LAKE, MI 49457	
		UNIT	QTY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	CONCRETE SW 4"	SQ.FT.	65	\$4.00	\$260.00	\$ 7.00	\$ 455.00	\$ 6.60	\$ 429.00	\$ 5.00	\$ 325.00	\$ 5.00	\$ 325.00
2	CORP. STOP 1" MUELLER #15000 OR EQUAL	EACH	3	\$225.00	\$675.00	\$ 300.00	\$ 900.00	\$ 196.00	\$ 588.00	\$ 300.00	\$ 900.00	\$ 400.00	\$ 1,200.00
3	CURB STOP 1" W / BOX MUELLER #15150 OR EQUAL	EACH	2	\$280.00	\$560.00	\$ 325.00	\$ 650.00	\$ 267.00	\$ 534.00	\$ 400.00	\$ 800.00	\$ 400.00	\$ 800.00
4	HYDRANT STD.	EACH	1	\$1,760.00	\$1,760.00	\$ 1,900.00	\$ 1,900.00	\$ 1,765.00	\$ 1,765.00	\$ 1,600.00	\$ 1,600.00	\$ 2,100.00	\$ 2,100.00
5	REDUCERS 8" TO 6" D.C.I. M.J.	EACH	1	\$267.00	\$267.00	\$ 250.00	\$ 250.00	\$ 262.00	\$ 262.00	\$ 305.00	\$ 305.00	\$ 270.00	\$ 270.00
6	REMOVING CONC. CURB	LIN. FT.	6	\$10.00	\$60.00	\$ 21.00	\$ 126.00	\$ 24.80	\$ 148.80	\$ 10.00	\$ 60.00	\$ 50.00	\$ 300.00
7	REMOVING CONC. SW	SQ.FT.	58	\$2.00	\$116.00	\$ 6.90	\$ 400.20	\$ 2.30	\$ 133.40	\$ 2.00	\$ 116.00	\$ 10.00	\$ 580.00
8	SLEEVES LONG 6" D.C.I. M.J.	EACH	1	\$780.00	\$780.00	\$ 375.00	\$ 375.00	\$ 268.00	\$ 268.00	\$ 550.00	\$ 550.00	\$ 1,500.00	\$ 1,500.00
9	SLEEVES LONG 8" D.C.I. M.J.	EACH	1	\$1,000.00	\$1,000.00	\$ 400.00	\$ 400.00	\$ 291.00	\$ 291.00	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00
10	TAPPING SLEEVE AND VALVE 6"X6"X6" W/BOX	EACH	1	\$2,100.00	\$2,100.00	\$ 2,100.00	\$ 2,100.00	\$ 1,720.00	\$ 1,720.00	\$ 2,000.00	\$ 2,000.00	\$ 2,800.00	\$ 2,800.00
11	TEE D.C.I. 8" x 8" x 6" M.J.	EACH	1	\$405.00	\$405.00	\$ 480.00	\$ 480.00	\$ 492.00	\$ 492.00	\$ 600.00	\$ 600.00	\$ 450.00	\$ 450.00
12	TRAFFIC CONTROL	LUMP	1	\$1,000.00	\$1,000.00	\$ 1,900.00	\$ 1,900.00	\$ 2,755.00	\$ 2,755.00	\$ 2,500.00	\$ 2,500.00	\$ 3,750.00	\$ 3,750.00
13	TRENCH REPAIR LOCAL STREET TYPE III	LIN. FT.	5	\$55.00	\$275.00	\$ 400.00	\$ 2,000.00	\$ 198.00	\$ 990.00	\$ 300.00	\$ 1,500.00	\$ 250.00	\$ 1,250.00
14	TRENCH REPAIR SPECIAL	LIN. FT.	483	\$15.00	\$7,245.00	\$ 18.00	\$ 8,694.00	\$ 16.00	\$ 7,728.00	\$ 15.00	\$ 7,245.00	\$ 12.00	\$ 5,796.00
15	VALVE 6" GATE M.J. W/BOX	EACH	1	\$710.00	\$710.00	\$ 750.00	\$ 750.00	\$ 623.00	\$ 623.00	\$ 820.00	\$ 820.00	\$ 850.00	\$ 850.00
16	WATER METER PIT COMPLETE	EACH	1	\$765.00	\$765.00	\$ 720.00	\$ 720.00	\$ 670.00	\$ 670.00	\$ 700.00	\$ 700.00	\$ 1,500.00	\$ 1,500.00
17	WATER SERVICE 1" TYPE "K" COPPER	LIN. FT.	130	\$20.00	\$2,600.00	\$ 28.00	\$ 3,640.00	\$ 17.40	\$ 2,262.00	\$ 16.00	\$ 2,080.00	\$ 18.00	\$ 2,340.00
18	WATERMAIN 6" D.C.I. CL 52	LIN. FT.	18	\$33.00	\$594.00	\$ 26.00	\$ 468.00	\$ 33.60	\$ 604.80	\$ 40.00	\$ 720.00	\$ 52.00	\$ 936.00
19	WATERMAIN 8" D.C.I. CL 52	LIN. FT.	417	\$35.00	\$14,595.00	\$ 32.00	\$ 13,344.00	\$ 42.30	\$ 17,639.10	\$ 41.00	\$ 17,097.00	\$ 37.00	\$ 15,429.00
TOTAL					\$41,132.05		\$ 39,552.20		\$ 39,903.10		\$ 40,418.00		\$ 43,676.00

Date: June 12, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Request
197 Clay

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Kathleen Riegler for a New SDM License and On-Premise Seating for her business located at 197 W. Clay Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

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

RESOLUTION

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

called to order by Mayor Warmington on June 12, 2007 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Davis and supported by Commissioner Carter

That the request from Kathleen Fagan Riegler for a new SDM License and On-Premise Seating at 197 Clay, Muskegon, MI 49440, Muskegon County

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

(Recommended or not Recommended)

for issuance

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 June 12, 2007.
(Date)

SEAL

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

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



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

June 5, 2007

To: City Commission through the City Manager

From:


Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Application– 197 W. Clay Ave.
Application for New SDM License and On-Premise Seating

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Kathleen Riegler of 1922 Oak Ave, Muskegon, MI. 49445.

Kathleen Riegler is requesting a New SDM License with On-Premise Seating to be held at her business located at 197 W. Clay Ave. Kathleen Riegler has no experience in the alcohol service industry but is aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances. The applicant has also been made aware of the following two websites for additional training opportunities; the Michigan Licensed Beverage Association and the Liquor Control Commission.

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

ALK/kd



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

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by R 436.1105 (2d) and (3)]

April 5, 2007

THE CITY OF MUSKEGON
C/O CITY CLERK
933 TERRACE ST
PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 414561

The Michigan Liquor Control Commission has received an application from KATHLEEN FAGAN RIEGLER REQUEST NEW SDM LICENSE TO BE LOCATED AT 197 CLAY, MUSKEGON, MI 49440, MUSKEGON COUNTY

Home address and telephone number:

KATHLEEN FAGAN RIEGLER 1922 OAK AVENUE, NORTH MUSKEGON, MI 49445,
(231) 744-8652-W (231) 744-8652-H

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 Code, Rules and Related Laws for off-premise licenses, the local governing body, or its designee, may notify the Commission at the above address 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 applicable laws and ordinances. A copy of the law and/or ordinance may be submitted with the notification.

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

mls

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 06-05-07

Re: Liquor License Application

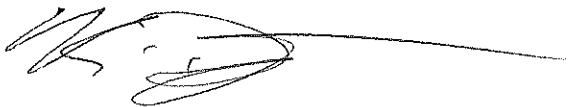
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Kathleen Riegler of 1922 Oak Ave, Muskegon, MI. 49445 who is requesting this license for her business located at 197 W. Clay Ave, Muskegon, MI. 49440.

Ms. Riegler is requesting a New SDM License and On-Premise Seating. Ms. Riegler has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances. The applicant has also been made aware of the following two websites for additional training opportunities; the Michigan Licensed Beverage Association and the Liquor Control Commission.

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 be 'Kurt Dykman', with a long horizontal line extending to the right.

Det. Kurt Dykman

data/common/liquor/Riegler

THE CHEESE LADY
197 W CLAY AVE
MUSKEGON MI 49440-1212

2028

Date 6-5-07

74-347/724
2892

Pay to the
Order of

City of Muskegon

\$ 250.00

Two hundred fifty & 00/100

Dollars

 Security features
are included
on back.

 **Huntington**
huntington.com

For _____

[Signature]

MP

⑆072403473⑆ 01172106365002028

© Clarke American

GUARDIAN'S SAFETY YELLOW WYE

JENNIFER M.
GRANHOLM
GOVERNOR



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

414561
5-22-07
7/14
NIDA R. SAMONA
CHAIRPERSON

POLICE INVESTIGATION REQUEST
(Authorized by MCL 436.1(4))

April 5, 2007

Muskegon Police Department
Chief Anthony L. Kleibecker
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536

Request ID # 414561

Chief Law Enforcement Officer

Applicant: KATHLEEN FAGAN RIEGLER REQUEST NEW SDM LICENSE TO BE LOCATED AT
197 CLAY, MUSKEGON, MI 49440, MUSKEGON COUNTY

W. AVENUE

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.

(X) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

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

mls

LC-1972 Rev 01/02
4880-1658



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

414561
FOR MLCC USE ONLY

Request ID # 414561

Business ID # 192993

7/17 5-22-07

POLICE INSPECTION REPORT

(Authorized by MCL 436.1217)

**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)
197 CLAY, MUSKEGON, MI 49440, MUSKEGON COUNTY

W. Avenue
REQUEST FOR: NEW SDM LICENSE AND ON-PREMISE SEATING

Section 1. APPLICANT INFORMATION

APPLICANT #1: KATHLEEN FAGAN RIEGLER	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: OAK AVENUE NORTH MUSKEGON, MI 49445 (231) 744-8652-W (231) 744-8652-H	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 4-3-51 Is the applicant a U.S. Citizen: ☐ Yes ☐ No ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted: 6-5-07	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No ☐ Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ☐ Does the applicant have a Visa? Enter status: Date fingerprinted:

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, entertainment, topless activity or extended hours permit?

☒ No ☐ Yes, complete LC-1636

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

Section 3. Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4. Recommendation

From your investigation:

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

[Signature]
Signature (Sheriff or Chief of Police)

6-5-07
Date

MUSKEGON POLICE DEPARTMENT

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kathleen Fagan Riegler

Business Address: 197 Clay
Muskegon

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature J. L. Schuber 6-5-07

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

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kathleen Fagan Riegler

Business Address: 197 Clay

Muskegon

Reason for Review:

New License ☒

Transfer of Ownership ☐

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature 

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

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kathleen Fagan Riegler

Business Address: 197 Clay
Muskegon

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature] 04/18/07

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

☒ FAXED ☒ RECEIVED

APR 16 2007

☒ APPROVED ☒ POSTED
CITY OF MUSKEGON TREASURY

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kathleen Fagan Riegler

Business Address: 197 Clay
Muskegon

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Rita L. Cooper

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

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kathleen Fagan Riegler

Business Address: 197 Clay
Muskegon

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office

Gail A. Kunding,

Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: _____

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kathleen Fagan Riegler

Business Address: 197 Clay
Muskegon

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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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office
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



June 6, 2006

Ms. Kathleen Riegler
1922 Oak Avenue
Muskegon, MI 49445

Dear Ms. Riegler:

This letter is to inform you that your liquor license request for 197 W. Clay Avenue will be presented to the City Commission on June 12, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

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

Linda Potter
Deputy Clerk

e-mailed

June 6, 2007

Commissioner Spataro, President
Nelson Neighborhood Assoc.
1567 Sixth Street
Muskegon, MI 49441

Dear Larry:

We have received a letter from the Liquor Control Commission reference a request from Kathleen Riegler for a new SDM License and On-Premise Seating for her business located at 197 W. Clay. This will be discussed at the Tuesday, June 12, 2007, City Commission Meeting to determine whether or not it should be recommended for approval.

Please let me know how the Neighborhood Association feels. If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

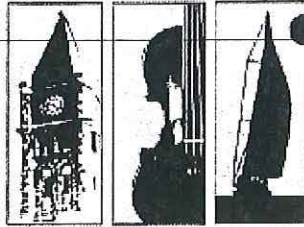
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

June 21, 2007

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

REF: Req ID #414561
Kathleen Fagan Riegler
197 W. Clay Avenue
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution, Form LC-1800, print card and check for Kathleen Fagan Riegler. This was recommended for approval by the City Commission at their June 12, 2007, City Commission Meeting.

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

Sincerely,

Linda Potter
Deputy Clerk

enc.

7006-0100-0004-8340-8210

Commission Meeting Date: June 12, 2007

Date: June 1, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *abc*
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – Fleet Engineers

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Fleet Engineers, 1800 E. Keating Avenue, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1800 E. Keating, Muskegon. The total capital investment is approximately \$209,076 in personal property and \$800,829 in real property. This request qualifies Fleet Engineers for a term of twelve (12) years for real property and six (6) years for personal property.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

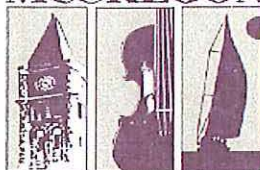
STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and six (6) years for personal property.

COMMITTEE RECOMMENDATION:

None

MUSKEGON



West Michigan's Shoreline City

City of Muskegon Industrial Development District Summary Sheet

Company Summary:

Fleet Engineers, Inc., an existing manufacturing company located at 1800 E. Keating Ave., Muskegon, MI is making improvements to its building as well as upgrading personal property. Due to investments in both personal and real property, the company is eligible for a six (6) year exemption for personal property and a 12 year exemption for real property.

Employment Information:

Racial Characteristics:

White	78
Minority	6
Total	84

Gender Characteristics:

Male	64
Female	20
Total	84

Total No. of Anticipated New Jobs: 0

Investment Information:

Real Property:	\$209,076
Personal Property	\$800,829
Total:	\$1,009,905

Property Tax Information: (Annual)

	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$288,785	\$55,914
Value of Abatement	\$87,075	\$27,957
Total New Taxes Collected	\$87,075	\$27,957

Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$0

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	☐ No
Meeting w/ City Affirmative Action Director	☒ Yes	☐ No
Signed Tax Abatement Contract	☒ Yes	☐ No
Taxes Paid In Full	☒ Yes	☐ No
Appropriate Zoning	☒ Yes	☐ No


Mike Franzak
Planner II


Dwana Thompson
Affirmative Action Director

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*Fleet Engineers***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on February 27, 1997, this Commission by resolution established an Industrial Development District as requested by Fleet Engineers, 1800 E. Keating Avenue, Muskegon, Michigan 49441; and

WHEREAS, Fleet Engineers has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion and new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on June 12, 2007, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Fleet Engineers, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the building expansion and installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

Address: 1800 E. Keating Avenue (Plant 1)

Lots 23 and 24, except the South 295 feet of the East ½ of Lot 23 of the Port City Industrial Center, as per plat of record; and The North 60 feet of Lot 17, Port City Industrial Center, as per plat of record; Parcel No. 24-691-000-0023-00

Address: 1895 Port City Boulevard (Plant 2)

Lots 18 and 19, Port City Industrial Center, as recorded in Liber 18 of Plats, Page 31; Parcel No. 24-691-000-0018-00

Address: 1895 Port City Boulevard (Plant 3)

Lot 16, the South 117.72 feet of Lot 17 and the South 295 feet of the East half of Lot 23, Port City Industrial Center, as recorded in Liber 18 of Plats, Muskegon County Records, Page 31, 32 and 33; Parcel No. 24-691-000-0016-00

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of six (6) years on personal property and twelve (12) years on real property.

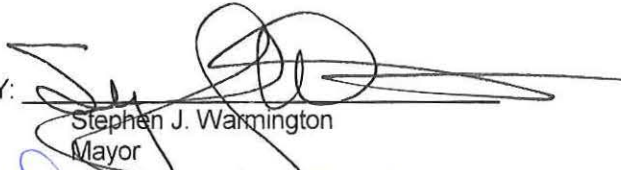
Adopted this 12th Day of June 2007.

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

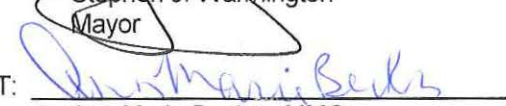
Nays: None

Absent: None

BY:

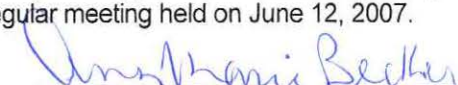

Stephen J. Warmington
Mayor

ATTEST:


Ann Marie Becker, MMC
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on June 12, 2007.


Ann Marie Becker, MMC
Clerk

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>W. Brian Becker</i>	Date received by Local Unit <i>5-8-07</i>
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Fleet Engineers, Inc.		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3714	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1800 E. Keating Ave., Muskegon, MI 49442		1d. City/Township/Village (indicate which) Muskegon	1e. County Muskegon
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located Muskegon	3b. School Code 61190
☐ Transfer (1 copy only) ☐ Rehabilitation (Sec. 3(1))		4. Amount of years requested for exemption (1-12 Years) 12	

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

See attachment.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	\$ 209,076 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation plus total costs	\$ 800,829 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	\$ 1,009,905 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	<u>11/15/06</u>	<u>5/31/08</u>	☐ Owned ☒ Leased
Personal Property Improvements	<u>11/15/06</u>	<u>5/31/08</u>	☒ Owned ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

9. No. of existing jobs at this facility that will be retained as a result of this project. 2	10. No. of new jobs at this facility expected to create within 2 years of completion. 0
---	---

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land)	<u>N/A</u>
b. SEV of Personal Property (excluding inventory)	_____
c. Total SEV	_____

12a. Check the type of District the facility is located in:	
☒ Industrial Development District	☐ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) 10/24/78	12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No
---	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Attorney Robert Eklund	13b. Telephone Number (231) 894-4025	13c. Fax Number (231) 894-4028	13d. E-mail Address bobeklund@verizon.net
14a. Name of Contact Person Wesley K. Eklund	14b. Telephone Number (231) 767-3001	14c. Fax Number (231) 773-8399	14d. E-mail Address weklund@fleetengineers.com
15a. Name of Company Officer (No Authorized Agents) Wesley K. Eklund			
15b. Signature of Company Officer (No Authorized Agents) <i>[Signature]</i>		15c. Fax Number (231) 773-8399	15d. Date 05/04/07
15e. Mailing Address (Street, City, State, ZIP Code) 1800 E Keating Ave., Muskegon, MI 49442		15f. Telephone Number (231) 767-3001	15g. E-mail Address weklund@fleetengineers.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit <i>6 years personal</i> ☒ Abatement Approved for <u>12</u> Years (1-12) <i>real property</i> After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☒ 1. Original Application plus attachments, and one complete copy ☒ 2. Resolution establishing district ☒ 3. Resolution approving/denying application. ☒ 4. Letter of Agreement (Signed by local unit and applicant) ☒ 5. Affidavit of Fees (Signed by local unit and applicant) ☒ 6. Building Permit for real improvements if project has already begun ☒ 7. Equipment List with dates of beginning of installation ☒ 8. Form 3222 (if applicable) ☒ 9. Speculative building resolution and affidavits (if applicable)	
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.		16c. LUCI Code 16d. School Code	
17. Name of Local Government Body		18. Date of Resolution Approving/Denying this Application	

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk <i>[Signature]</i>	19b. Name of Clerk Ann Marie Becker	19c. E-mail Address ann.becker@postman.org
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 933 Terrace, Muskegon, MI 49440		
19e. Telephone Number (231) 724-6705	19f. Fax Number (231) 724-4178	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
1. LUCI Code	2. Begin Date Real	3. Begin Date Personal	4. End Date Real	5. End Date Personal

5. The improvements will include removing excess soil and grading lawn areas, removing and disposing of trees, constructing ramps, parking areas and driveways, constructing concrete catch basin, installing new water line, constructing new roof and constructing new truck loading dock. Purchase and install air unit. Purchase and install various items of machinery, equipment, furniture and fixtures, including injection mold machine, fire protection sprinkler system, mold equipment, cooling system for welding power supply, welding robot, vertical milling machine and modify existing equipment.

ATTACHMENT 1 LEGAL DESCRIPTIONS OF REAL PROPERTY

City of Muskegon, Muskegon County, MI, to wit:

Address: 1800 E. Keating Avenue (Plant 1)

Lots 23 and 24, except the South 295 feet of the East 1/2 of Lot 23 of the Port City Industrial Center, as per plat of record; and The North 60 feet of Lot 17, Port City Industrial Center, as per plat of record; Parcel No. 24-691-000-0023-00

Address: 1895 Port City Boulevard (Plant 2)

Lots 18 and 19, Port City Industrial Center, as recorded in Liber 18 of Plats, Page 31; Parcel No. 24-691-000-0018-00

Address: 1981 Port City Boulevard (Plant 3)

Lot 16, the South 117.72 feet of Lot 17 and the South 295 feet of the East half of Lot 23, Port City Industrial Center, as recorded in Liber 18 of Plats, Muskegon County Records, Pages 31, 32 and 33; Parcel No. 24-691-000-0016-00

ATTACHMENT 2 LIST OF REAL PROPERTY (IMPROVEMENTS AND ASSOCIATED COSTS)

See attached list

FLEET ENGINEERS- REAL PROPERTY

INSTALLATION DATE	DESCRIPTION	COST
02/08/07	Tree removal, remove excess fill, drainage swale, leach basin, restore soil and grade (Estimate)	\$13,900
12/27/06	Removal of interior steel columns	\$4,680
12/21/06	Install (1) 80' Main Frame at Plant #2	\$5,740
12/17/06	Excavate and remove soil/sand and install dolomite	\$9,380
11/30/06	Install new ramp in Plant #3 (concrete/asphalt)	\$3,445
11/30/06	Remove and dispose of trees at Plants #1,2, and 3	\$4,700
11/30/06	Remove excess soil and grade lawn areas at Plant #2 and 3	\$3,000
11/30/06	Install dolomite at the north side of Plant #2	\$900
11/30/06	Install dolomite along both sides of the drive	\$2,775
11/30/06	Install new drive along Keating and the truck dock	\$15,900
11/30/06	Install new concrete catch basin in Plant #3	\$30,200
11/30/06	Dewater area and install new water line at facility	\$8,262
11/20/06	Drill and equip new water well	\$2,700
11/15/06	New Fence	\$6,996
08/15/06	Install new roof (Estimate)	\$89,949
08/15/07	Construct new loading dock (Estimate)	\$16,969
	TOTAL INVOICE AMOUNT	\$103,358
	TOTAL ESTIMATE AMOUNT	\$120,818
	GRAND TOTAL	\$224,176

ATTACHMENT 3 PERSONAL PROPERTY (MACHINERY, EQUIPMENT, FURNITURE
AND FIXTURES)

See attached list

FLEET ENGINEERS- PERSONAL PROPERTY

INSTALLATION DATE	DESCRIPTION	COST
02/20/07	New Lighting	\$88,763
01/04/07	1-1 Cav Production Injection Mold design and build (Estimate)	\$379,908
12/21/06	Makeup air unit and related equipment	\$12,800
12/20/06	Rebuild Lathe	\$6,235
12/12/06	Repair and replace gas lines and related work	\$2,378
11/20/06	Coolmate 4- Cooling System for welding power supply	\$608
11/17/06	Vertical Mill (Acer Ulti) and related costs	\$27,839
11/13/06	Welding Robot	\$39,386
11/10/06	Lawn Irrigation System Repairs	\$7,860
11/09/06	1 mold- and related items for roll up door (Estimate)	\$84,550
07/15/06	Revise existing tool/fixture and Develop CAD data (Estimate)	\$10,559
07/15/06	Fire protection sprinkler system for new building (Estimate)	\$32,602
	TOTAL INVOICE AMOUNT	\$185,869
	TOTAL ESTIMATE AMOUNT	\$507,619
	GRAND TOTAL	\$693,488

ROBERT EKLUND

05/07/07 11:58 FAX 2318944028

ATTACHMENT 4 PROOF OF CONSTRUCTION AND INSTALLATION OF PERSONAL
PROPERTY

See attached.

AFFIDAVIT OF PROJECT START DATES

I do swear and affirm by my signature below that the real property project beginning on construction date and/or personal property project installation begin date, associated with the Application for Industrial Facilities Tax Exemption Certificate under P.A. 198 of 1974, as amended, in the amount of \$1,009,905, filed with the City of Muskegon for a facility located at 1800 E. Keating Avenue are as follows:

Real Property Project Begin Date: November 15, 2006
Personal Property Project Installation Date: November 15, 2006

Applicant Name: Fleet Engineers, Inc.

By Wesley K. Eklund
Wesley K. Eklund, Its President

Dated: May 4, 2007

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Subscribed and sworn to before me in Muskegon County, Michigan on May 4, 2007 by Wesley K. Eklund, President of Fleet Engineers, Inc.

Robert D. Eklund
Robert D. Eklund, Notary Public
Muskegon County, MI
Acting in Muskegon County
My Commission Expires: 01/05/2011

ATTACHMENT 5 LEASE AGREEMENTS

- A. Plant 1 is owned by Fleet Engineers, Inc. (1800 E. Keating Avenue).
- B. Fleet leases Plant 2 from Eklund Development, LLC (1895 Port City Boulevard); copy of lease is attached.
- C. Fleet leases Plant 3 from Eklund Development II, LLC (1981 Port City Boulevard); copy of lease is attached.

Commission Meeting Date: June 12, 2007

Date: June 4, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Public Hearing for Amendments to Brownfield Plan- Sidock

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Sidock Properties, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a commercial project will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing and approve the attached resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for June 12, 2007, at their May 22, 2007 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on May 15, 2007 and further recommends that the Muskegon City Commission approve the Plan amendment.

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

SIDOCK PROPERTIES, LLC

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 12th day of June, 2007, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and

Warmington

ABSENT: Members

None

The following preamble and resolution were offered by Member Spataro and supported by Member Gawron:

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment to add Sidock Properties, LLC; and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendment to the City Commission requesting its approval of the Brownfield Plan Amendment; and

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment, as required by Act 381; and

WHEREAS, not less than 20 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, a notice of the Public Hearing on the proposed Brownfield Plan Amendment was published twice in the Muskegon Chronicle, the first of which was not less than 20 days before the scheduled Public Hearing; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on June 12, 2007.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Where used in this Resolution the terms set forth below shall have the following meaning unless the context clearly requires otherwise:

"Eligible Property" means the property designated in the Brownfield Plan as the Eligible Property, as described in Act 381.

"Brownfield Plan" means the Brownfield Plan prepared by the Authority, as transmitted to the City Clerk by the Authority for approval, copies of which Brownfield Plan are on file in the office of the City Clerk.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on the Eligible Property.

2. Public Purpose. The City Commission hereby determines that the Brownfield Plan Amendment constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to promote the revitalization of eligible properties in the City to proceed with the Brownfield Plan Amendment.
4. Review Considerations. As required by Act 381, the City Commission has, in reviewing the Brownfield Plan Amendment, taken into consideration whether the Brownfield Plan Amendment meets the requirements set forth in Section 13 of Act 381.
5. Approval and Adoption of Brownfield Plan Amendment. The Brownfield Plan Amendment as submitted by the Authority is hereby approved and adopted. A copy of the Brownfield Plan and all amendments thereto shall be maintained on file in the City Clerk's office.
6. No Capture of Tax Increment Revenues by Authority. The Authority shall not capture Tax Increment Revenues on the Eligible Property, as described in the Brownfield Plan Amendment.
7. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the City assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendment. The City makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan.

8. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

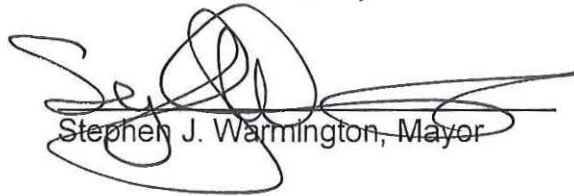
Warmington, Wierengo, Carter, Davis, Gawron, Shepherd,
and Spataro

NAYS:

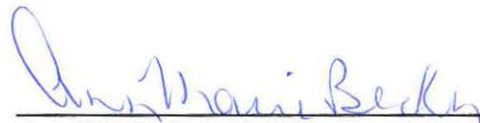
Members None

RESOLUTION DECLARED ADOPTED.


Ann Marie Becker, City Clerk


Stephen J. Warmington, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on June 12, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Ann Marie Becker, City Clerk

Commission Meeting Date: June 12, 2007

Date: May 30, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Site Assessment Grant Administration Contract-
Couture Environmental LLC**

SUMMARY OF REQUEST: To approve the Contract with Couture Environmental Strategies LLC for continued administration of the Brownfield Grant, in amount not to exceed \$27,000 and to amend the budget to move \$27,000 from the General Fund Contingency into the Planning & Economic Development budget.

FINANCIAL IMPACT: There is an additional amount of \$27,000 required to continue to contract with Couture Environmental Strategies LLC.

BUDGET ACTION REQUIRED: The funds will be allocated from the General Fund Budget Contingency. The Planning, Zoning and Economic Development Budget will require an amendment for line item #80400-5300 (Contractual Services) for an addition of \$27,000.

STAFF RECOMMENDATION: To approve the attached Contract and authorize the Mayor to sign. Also, to approve the budget amendment to place \$27,000 from the General Fund Contingency into the Planning & Economic Development Budget.

Memo

To: Honorable Mayor and City Commission
From: Cathy Brubaker-Clarke, Director of Community & Economic Development
CC: Bryon Mazade, City Manager
Date: 6/5/2007
Re: Brownfield Site Assessment- Couture Environmental Strategies Administration Contract

The City Commission approved a Contract with Couture Environmental Strategies LLC on September 16, 2004. The Contract was for the administration of the Site Assessment Grant from the Michigan Department of Environmental Quality (MDEQ). The grant has been very successful, including site assessments for 14 projects to date (including Fleet Engineers, West Village Mall, Aero-Foil, Gary Post's properties, Sidock and Ruddiman Creek Condos). However, when the original budget was submitted to MDEQ, it only included \$50,000 for project "grant administration" and overall project management. This represented 10% of the grant amount, a best estimate based on the previous Site Assessment Grant awarded to the City in 1994. In actuality, the project management costs have been somewhat higher than expected. There are several reasons for this, including the following:

- Project start-up costs were higher than the previous grant, due to the City's efforts in conducting a pre-qualification and selection process for consultants, resulting in contracts with four consulting firms
- Several activities related to evaluation of various options for use of the CMI Loan were actually conducted under the grant funding; however, since the City has not yet decided to draw on the loan, these costs were paid through the grant (an additional \$50,000 was approved by MDEQ for loan management)
- Since there are now four environmental consulting firms, more effort is required in overseeing the consultant's work efforts, to assure activities are conducted in compliance with State laws and regulations, and in compliance with the grant agreement
- There have been complications with the environmental circumstances of the properties (types and amount of contamination found and additional site assessment work required that went beyond the original estimation)

At this point, the original \$50,000 in grant administration has been expended and there is a need to increase the amount to allow for additional administration and site assessments. Although there is no legal requirement for the MDEQ to only allow a 10% grant administration fee, they are not allowing us to amend our Agreement to increase the amount to 15% (10-15% being a standard administration fee). I assume this is due to the fiscal situation with the State government.

Therefore, I am requesting that the City Commission approve the new Contract with Couture Environmental Strategies LLC in the amount of \$27,000. Administration fees per project have been averaging \$3,500 (actually, lower than that since this amount accounts for up-front costs which were significant to get the consultants selected). In addition, there will be final close-out responsibilities (approximately \$2,500).

At this point, we have approximately five projects lined up for site assessment work that cannot move forward without grant administration (including the Muskegon Lakeview Condos, the Jerry Lottie/James Anthony DMDC property, and a manufacturer's relocation to the City on Getty Street). In addition, I expect at least two more projects can be undertaken before the grant funds are depleted. Therefore, if the Commission authorizes up to \$27,000 for the contract with Couture Environmental Strategies, we should be able to complete 7-8 more projects through the Grant, and remain in compliance with grant requirement.

If you have any questions regarding the above, please let me know.

Attachment

CITY COMMISSION MEETING
Tuesday, June 12, 2007

TO: Honorable Mayor and City Commissioners

FROM: Tony Kleibecker
Director of Public Safety

DATE: June 4, 2007

SUBJECT: Request to Purchase Video Systems

SUMMARY OF REQUEST:

The Director of Public Safety is requesting permission to purchase twenty (20) digital in-car video systems from L3 Communications of Boonton, New Jersey. These systems will replace the current DVD systems that have been in place for approximately three years. The new systems are a "hard-drive" system that have no moving components in the vehicle and do not have the environmental requirements (heating/cooling) that are needed for the current systems. Police department staff has researched these units with the assistance of staff from Information Technology and the Department of Public Works. This system is in place in a number of police departments in the state and we have also reviewed its performance with these agencies. Costs for the system are as follows:

Video systems, components and software:	\$143,750.25
Computer server:	\$ 28,055.00

FINANCIAL IMPACT:

Funds for the video systems (143,750) would originate with the city's Equipment Fund.

Funds for the server would be come from the Criminal Forfeiture Account.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of the purchase.



communications

Mobile-Vision, Inc.

90 Fanny Road
Boonton, NJ 07005
(800) 336-8475

MASTER ORDER

ORDER NUMBER: 0049099
ORDER DATE: 4/3/2007
PROJECTED SHIP DATE: 12/31/599!

SALESPERSON: BS
CUSTOMER NO: MIMUSK

0049099

SOLD TO:
Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

SHIP TO:
Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

CONFIRM TO:
Lt. Lord

Bill-To Phone: (231) 724-6750
Bill-To Fax: (231) 722-5140

Page: 1

CUSTOMER P.O.		SHIP VIA	F.O.B.	TERMS
		UPS GROUND	BOONTON, NJ	Net 30 Days
ITEM NUMBER	UNIT	ORIGINAL	UNIT PRICE	AMOUNT
MVD-FBDVS	EACH	20.00	5,295.00	105,900.00
Flashback Digital Video System Assembly			WHSE: 000	
Customer to arrange for own installation.				
Car Type:				
DVR Location:				
MVD-RDR-PRO1000	EACH	20.00	200.00	4,000.00
Radar option, Kustom Pro1000/Eagle Eye			WHSE: 000	
Radar Interface Flashback, Kustom PRO-1000, or Eagle Eye				
MVD-UPS1000	EACH	1.00	340.00	340.00
UPS 1000VA			WHSE: 008	
MVD-IT-CONFIG	EACH	1.00	2,850.00	2,850.00
System Configuration/Testing			WHSE: 008	
MVD-8675-EX	EACH	4.00	660.00	2,640.00
Access Point w/ext antenna			WHSE: 000	
Note: Pricing does not include physical installation of the workstation, antenna, DVR or any network wiring.				
MVD-IR-CAM	EACH	20.00	395.00	7,900.00
Camera Assy, IR			WHSE: 000	
Flashback IR Camera Assembly				
MVD-CRASH-BAT	EACH	20.00	150.00	3,000.00
CrashBatt Assy			WHSE: 000	
Assy,crash sensor,battery backup				

CONTINUED



communications

Mobile-Vision, Inc.

90 Fanny Road
Boonton, NJ 07005
(800) 336-8475

MASTER ORDER

ORDER NUMBER: 0049099
ORDER DATE: 4/3/2007
PROJECTED SHIP DATE: 12/31/599!
SALESPERSON: BS
CUSTOMER NO: MIMUSK

0049099

SOLD TO:
Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

SHIP TO:
Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

CONFIRM TO:
Lt. Lord

Bill-To Phone: (231) 724-6750
Bill-To Fax: (231) 722-5140

Page: 2

CUSTOMER P.O.		SHIP VIA	F.O.B.	TERMS
		UPS GROUND	BOONTON, NJ	Net 30 Days
ITEM NUMBER	UNIT	ORIGINAL	UNIT PRICE	AMOUNT
MVD-USBKEYMB	EACH	75.00	21.95	1,646.25
Key USB silver			WHSE: 000	
MVD-CF4GB	EACH	3.00	229.00	687.00
Card, compactflash, 4GB, 45x, Type1			WHSE: 000	
Compact flash 45x 4GB Type1				
MV-VLP-TRA	EACH	12.00	195.00	2,340.00
Mic package, VLP w/accessories			WHSE: 000	
900Mhz remote mic transceiver w/batt, belt clip, lapel mic (set of 2)				
Voice Link Plus wireless mic transceiver w/belt clip, lapel mic (set of 2)				
MV-VLP-MC	EACH	3.00	149.00	447.00
Multi-charging station rack w/pwr adaptor			WHSE: 000	
MV-POUCH-VLP	EACH	20.00	25.00	500.00
Pouch for vlp leather			WHSE: 000	
/EMA STD YR 1	EACH	20.00	250.00	5,000.00
DVR EMA Standard Yr 1				
/EMA STD YR 2	EACH	20.00	300.00	6,000.00
DVR EMA Standard Yr 2				

Subtotal: 143,250.25

***Your order has been entered. Thank you very much.
Please review your order confirmation and call if there are
any discrepancies.***

Shipping & Handling: 500.00
Sales Tax: 0.00
Order Total: 143,750.25

**communications**

Mobile-Vision, Inc.

90 Fanny Road
Boonton, NJ 07005
(800) 336-8475

QUOTATION

QUOTATION NUMBER: 0049098
QUOTATION DATE: 4/3/2007

SALESPERSON: BS
CUSTOMER NO: MIMUSK

QUOTED TO:

Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

SHIP TO:

Muskegon Police Department
980 Jefferson Street
Muskegon, MI 49443

CONFIRM TO:
Lt. Lord

Bill-To Phone: (231) 724-6750
Bill-To Fax: (231) 722-5140

Page: 1

CUSTOMER P.O.		SHIP VIA	F.O.B.	TERMS
		UPS GROUND	MAITLAND, FL	Net 30 Days
ITEM NUMBER	UNIT	QUANTITY	UNIT PRICE	AMOUNT
MVD-DEP2715 Station Rack, DEP RAID5 4.5 TB	EACH	1.00	20,845.00	20,845.00
MVD-DVD/BU Workstation - DVD backup	EACH	1.00	2,984.00	2,984.00
/EMA DEP2715 1 EMA DEP2715 YEAR 1	EACH	1.00	2,463.00	2,463.00
/MISC On-Line Support Credit		1.00	-375.00	-375.00
/EMA DEP2715 2 EMA DEP2715 YEAR 2	EACH	1.00	2,463.00	2,463.00
/MISC On-Line Support Credit		1.00	-375.00	-375.00

Subtotal: 28,005.00

**** QUOTATION IS VALID FOR 60 DAYS ****

Delivery: 90 Days or Less ARO

Shipping & Handling: 50.00
Sales Tax: 0.00
Order Total: 28,055.00

Date: June 12, 2007

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Sewer Rate Adjustment

SUMMARY OF REQUEST: The City last adjusted sewer rates (a 16% increase) on January 1, 2006 in response to County fee adjustments triggered by changes at Sappi and by new indebtedness taken on to finance system improvements. However, actual 2006 financial results for the sewer fund indicate the increase was inadequate (see attached). In addition to the County fee increases, the sewer fund has been hit with an unexpected (and unexplained) surge in usage in the last two years:

12-Month Period	Usage (MG)	% Increase
May 2006 – April 2007	2027	8%
May 2005 – April 2006	1869	11%
May 2004 – April 2005	1682	-

The increased usage is hard to understand in light of plant closings (e.g. Brunswick, Bekaert) and in light of the fact that flows for other communities are stable or falling (see attached graph). Staff is in discussion with the County on possible metering issues, but at this point a further 15% rate increase is needed to stabilize sewer fund finances.

FINANCIAL IMPACT: The sewer rate adjustments will generate an estimated \$710,000 additional annualized revenue for the city's sewer fund.

BUDGET ACTION REQUIRED: None at this time. If the rate increase is approved, it will be incorporated into the second quarter budget reforecast together with the higher anticipated county treatment costs.

STAFF RECOMMENDATION: Adoption of the attached fee adjustment resolution.

COMMITTEE RECOMMENDATION: None

CITY OF MUSKEGON

RESOLUTION NO. 2007-51(c)

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on June 12, 2007.

RECITALS

A review of the rates for sewer service has been accomplished by the City's staff, recommendations received, and the City Commission has determined that the following rate changes are justified. Accordingly, this resolution is made for the purpose of maintaining the financial viability of the City's sewer system.

THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. Charges for residential sewer service shall be changed from \$1.53 per 100 cubic feet to \$1.76 per 100 cubic feet;
2. Charges for commercial/industrial sewer service shall be changed from \$1.93 per 100 cubic feet to \$2.22 per 100 cubic feet;
3. Charges for all non-metered residential sewer customers will be calculated based on an assumed usage rate of 35 hundred cu. ft. per quarter.
4. Unless there is a separate agreement specifying a different billing method, non-resident users of the city sewer system will be billed at a rate that is double (2x) the city rate for that class of user.

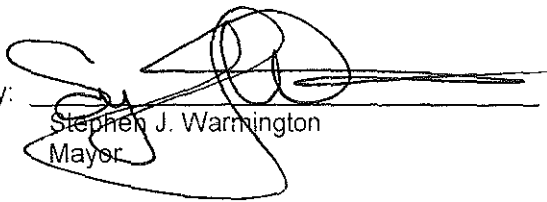
The above changes to be effective July 1, 2007.

This resolution adopted.

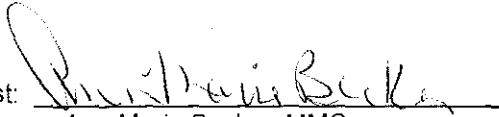
YEAS: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

NAYS: None

By: _____


Stephen J. Warmington
Mayor

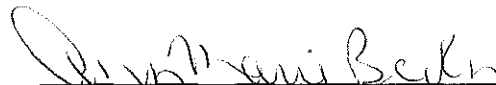
Attest: _____


Ann Marie Becker, MMC
City Clerk

CITY OF MUSKEGON

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 Board of Commissioners of the City of Muskegon, Michigan, held on the 12th day of June, 2007 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.

A handwritten signature in cursive script, appearing to read "Ann Marie Becker", written over a horizontal line.

Ann Marie Becker, MMC
City Clerk

SEWER FUND

	2004	2005	2006	2007	2008
INCOME STATEMENT DATA:					
	15% Rate Increase Eff 7/1/07				
OPERATING REVENUES					
Charges for services	\$ 4,032,673	\$ 4,076,128	\$ 4,730,147	\$ 5,084,908	\$ 5,439,669
Other revenues	50,918	73,059	73,548	73,548	73,548
	4,083,591	4,149,187	4,803,695	5,158,456	5,513,217
OPERATING EXPENSES					
Operating and administrative	402,634	294,000	393,064	400,000	400,000
Wastewater treatment	2,599,280	2,829,404	3,871,293	3,900,000	3,900,000
Filtration plant operation	-	-	-	-	-
Water distribution	-	-	-	-	-
Bad debts	37,025	4,715	5,939	5,939	5,939
Depreciation	662,976	740,898	653,028	653,028	653,028
	3,701,915	3,869,017	4,923,324	4,958,967	4,958,967
Operating profit (loss)	381,676	280,170	(119,629)	199,489	554,250
OTHER (INCOME) OR DEDUCTIONS					
Interest income	12,821	32,928	39,199	39,199	39,199
Gain on sale of fixed assets	-	-	-	-	-
State grant	297,925	-	-	-	-
Interest expense	(110,520)	(114,388)	(63,233)	(63,233)	(63,233)
	200,226	(81,460)	(24,034)	(24,034)	(24,034)
Income (loss) before operating transfers and extraordinary loss	581,902	198,710	(143,663)	175,455	530,216
Operating transfers in (out)	47,796	35,063	107,356	107,356	107,356
Net income (loss) before extraordinary loss	629,698	233,773	(36,307)	282,811	637,572
Extraordinary loss/claim	-	-	-	-	-
NET INCOME (LOSS)	629,698	233,773	(36,307)	282,811	637,572
Net assets at January 1	13,623,093	14,252,791	14,486,564	14,450,257	14,733,068
Equity transfer in (out)	-	-	-	-	-
Net assets at December 31	\$ 14,252,791	\$ 14,486,564	\$ 14,450,257	\$ 14,733,068	\$ 15,370,640

Typical Monthly Sewer Bill
Ranked from Lowest (1) to Highest (6)
Residential Customers - 7,500 Gallons Usage Per Month

Community		Usage Rate	Other Chg per Month	Sewer Bill	Rank
1	Norton Shores	1.31	3.83	16.96	1
2	Muskegon (Current Rate)	1.63	2.67	17.97	2
3	North Muskegon	1.23	5.83	18.13	3
4	Muskegon Heights	0.80	11.08	19.11	4
5	Muskegon (Proposed Rate Effective 7/1/07)	1.76	2.67	20.27	5
6	Roosevelt Park	1.96	29.86	49.51	6
Average				\$ 23.66	
Median				\$ 18.62	

Notes: Assumes 7,500 gallons (or 1,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.
Usage rate is per 100 cubic feet.
Other charges are for fixed charges such as debt service and/or administrative charges regardless of usage.

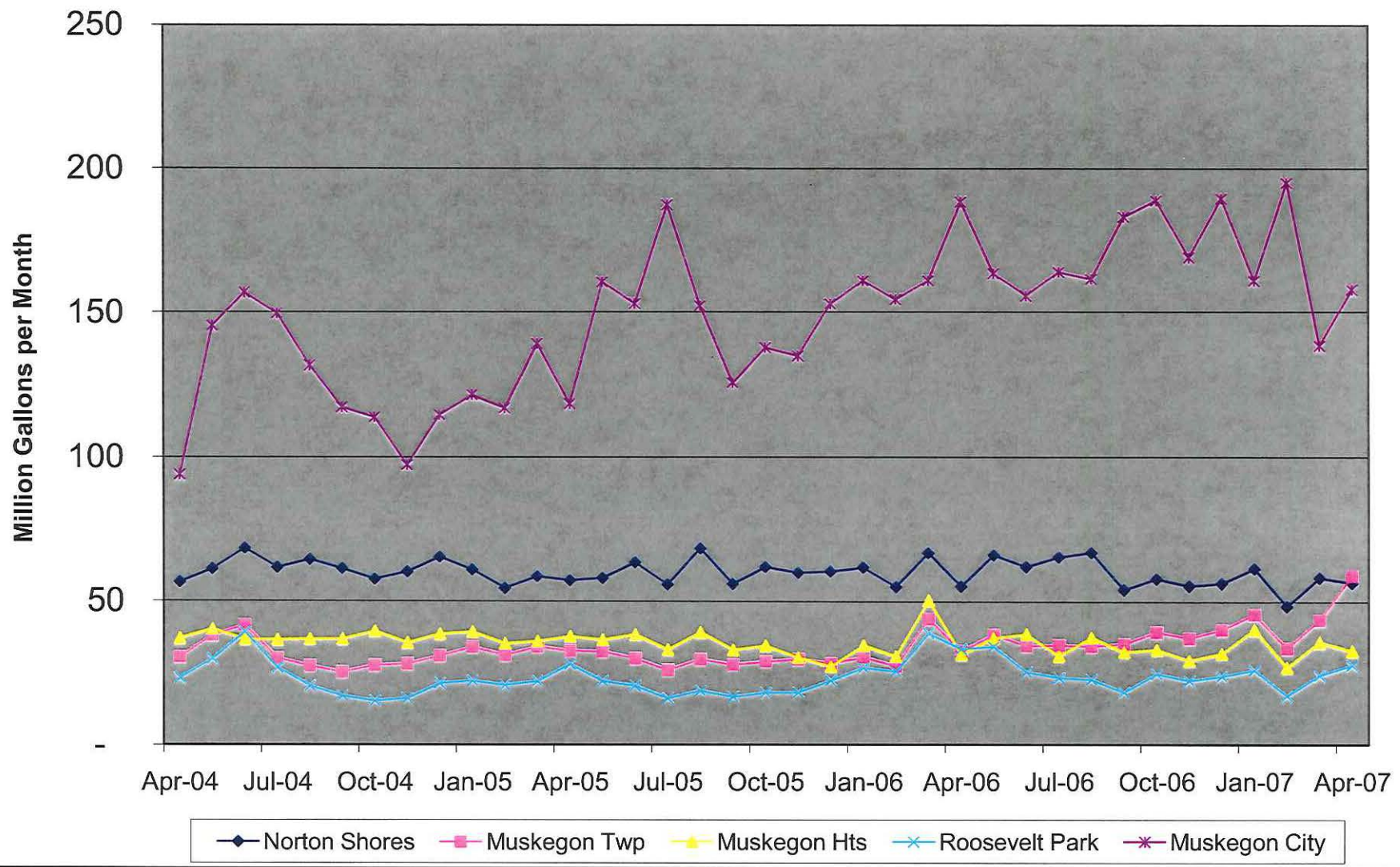
Typical Monthly Sewer Bill
Ranked from Lowest (1) to Highest (6)
Residential Customers - 15,000 Gallons Usage Per Month

Community		Usage Rate	Other Chg per Month	Sewer Bill	Rank
1	Muskegon Heights	0.80	11.08	27.13	1
2	Norton Shores	1.31	3.83	30.08	2
3	North Muskegon	1.23	5.83	30.43	3
4	Muskegon (Current Rate)	1.53	2.67	33.27	4
5	Muskegon (Proposed Rate Effective 7/1/07)	1.76	2.67	37.87	5
6	Roosevelt Park	1.96	29.86	69.16	6
Average				\$ 37.99	
Median				\$ 31.85	

Notes: Assumes 15,000 gallons (or 2,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.
Usage rate is per 100 cubic feet.
Other charges are for fixed charges such as debt service and/or administrative charges regardless of usage.

Source: Local area survey conducted by City of Muskegon as of May 2007.

Sewer Flows by City



AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Engineering Department
DATE: June 6, 2007
RE: Engineering Services Agreement with Fleis & Vandenbrinks for
Sherman & Henry Intersection & Sidewalk

SUMMARY OF REQUEST:

Authorize staff to enter into an engineering service agreement with Fleis & Vandenbrink to modify plans, specification and engineer's estimate along with design of a sidewalk along the north side of Sherman between Barclay & Henry. The services to be provided consist of modifying the plans to meet Michigan Department of Transportation's (MDOT) guidelines since we were fortunate to receive not only federal funds, but if we were to get those plans in to MDOT soon, we have been approved for the state money to offset the local match. The total not-to-exceed fee is \$11,900.

Fleis and Vandenbrink had the lowest proposed fee of two proposals received. One other consultant declined to submit a proposal.

FINANCIAL IMPACT:

The cost to the city is limited to the engineering cost for the modifications of the plans of \$11,900, plus construction engineering of 10%. The total estimated cost of the project is \$270,000, of which \$216,000 is from an approved federal grant and the remaining \$54,000 is from the state's "Jobs Today Program."

BUDGET ACTION REQUIRED:

None at this time, however, the second budget forecast would have to be revised to address the modification cost of \$11,000.

STAFF RECOMMENDATION:

Authorize staff to enter into an Engineering Services Agreement with Fleis & Vandenbrink.

COMMITTEE RECOMMENDATION:

None.

Commission Meeting Date: May 22, 2007

*Requires
2nd Reading*

Date: May 11, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Residential Parking Requirements Downtown

SUMMARY OF REQUEST:

Request to amend Section 2326 (Off Street Parking, #12) of Article XXIII (General Provisions) to reduce the residential parking requirement in the Downtown Parking Overlay District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to reduce the residential parking requirement in the Downtown Parking Overlay District.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10 meeting. The vote was unanimous with T. Michalski and T. Harryman absent.

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

May 10, 2007

Hearing; Case 2007-18: Staff initiated request to amend Section 2326, (Off Street Parking #12), of Article XXIII, (General Provisions), to reduce the residential parking requirement in the Downtown Parking Overlay District.

BACKGROUND

Staff has been discussing parking requirements and studying residential parking requirements for other municipalities. Although most municipalities require 2 spaces for each dwelling unit, some ordinances, such as Grand Rapids, require only 1 space per dwelling unit. The new "Smart Code" design concept proposes 1.5 spaces for each unit. The thinking behind that requirement is that some units are occupied by single people, and other occupants may not own a car when living in an urban area.

Our "Downtown Parking Overlay District" makes no allowance for on-street parking for residential uses, as it does for commercial uses. Some residential properties downtown already use some on-street parking for their residents (Amazon Building). Staff believes this minor change to the ordinance may help ease parking problems in the downtown area. Other areas of the City would not be effected, since the 2-space per dwelling unit would remain in effect.

NEW LANGUAGE

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

- c. In the downtown parking overlay district only, the required number of residential parking spaces shall be 1.5 spaces per dwelling unit.**

DELIBERATION

I move that the amendment to Section 2326, (Off-Street Parking and Loading, #12, d), of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2226

An ordinance to amend Section 2326 (Off Street Parking, #12) of Article XXIII (General Provisions), to reduce the residential parking requirement in the Downtown Parking Overlay District.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 23326(Off Street Parking, #12) of Article XXIII (General Provisions) is amended to reduce the residential parking requirement in the Downtown Parking Overlay District, as follows:

- c. In the downtown parking overlay district only, the required number of residential parking spaces shall be 1.5 spaces per dwelling unit.

This ordinance adopted:

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

Nays: Davis

Adoption Date: June 12, 2007

Effective Date: June 29, 2007

First Reading: May 22, 2007

Second Reading: June 12, 2007

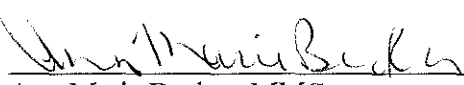
CITY OF MUSKEGON

By: Ann Marie Becker
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 12th of June, 2007, 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: June 12, 2007.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 22, 2007, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2326 (Off Street Parking, #12) of Article XXIII (General Provisions) to reduce the residential parking requirement in the Downtown Parking Overlay District.

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

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

Published June 19, 2007.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Removed

2nd
Reading

Date: May 22, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Ordinance Amendment – Vehicles for Hire

SUMMARY OF REQUEST: To repeal Chapter 102 of the Muskegon Code of Ordinances concerning Vehicles for Hire.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Commission recommended approval at the May 7th Worksession.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2007, the City Commission of the City of Muskegon adopted an ordinance repealing in their entirety Sections 102-201 through 102-260 of Chapter 102 of the Code of Ordinances of the City of Muskegon concerning Vehicles for Hire.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: _____, 2007

By _____
Ann Marie Becker, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

DATE: May 29, 2007

TO: Honorable Mayor and City Commissioners

FROM: Lee Slaughter, Assistant City Manager

**RE: Special Events-Multiple Liquor License Request
Topsy Toad Tavern**

SUMMARY OF REQUEST: Topsy Toad Tavern, 609 W. Western Ave., is requesting an extension of their current liquor license to be able to serve alcohol outside in a entertainment area during the Muskegon Summer Celebration (June 28th through July 8th). The following temporary alcohol licenses have been issued for this time period: Muskegon Summer Celebration, and Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this request at their May 21st meeting.

DATE: May 29, 2007

TO: Honorable Mayor and City Commissioners

FROM: Lee Slaughter, Assistant City Manager

**RE: Special Events-Multiple Liquor License Request
Muskegon Eagles Aerie 668/Fraternal Order of Eagles**

SUMMARY OF REQUEST: The Muskegon Fraternal Order of Eagles (Aerie 668) is requesting an extension of their current liquor license to be able to serve non-members during the Muskegon Summer Celebration (June 28th through July 8th) The following temporary alcohol licenses have been approved for this time period: Muskegon Summer Celebration, Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this request at their May 21st meeting.

DATE: May 29, 2007

TO: Honorable Mayor and City Commissioners

FROM: Lee Slaughter, Assistant City Manager

RE: Special Events-Multiple Liquor License Request
C.I.O. Hall & Port City ~~Blvd.~~^{Blvd.} Association

SUMMARY OF REQUEST: C.I.O. Hall and Port City ~~Blvd.~~^{Blvd.} Association, 490 W. Western Ave., is requesting a temporary liquor license during the Muskegon Bike Time Event, scheduled for July 20th through July 22, 2007. The following have already been approved: Racquets, Pop-A-Top, Muskegon Bike Time, Topsy Toad, and Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION: The Leisure Services Board has approved this request at their May 21st meeting.

Potter, Linda

From: Ackerberg, Teresa
Sent: Thursday, June 07, 2007 9:48 AM
To: Potter, Linda
Cc: Mazade, Bryon
Subject: C.I.O. Hall/Bike Time

I talked with Jeff Helper from the C.I.O Hall/Port City Building Association. He stated that the Port City Building Association is a group of local unions (Sealed Power, L3 Communications to name a few) who use the building for their meetings. The building is in need of some upgrading. This fundraiser would be used to raise funds to make improvements to the building.

The Hall will be one of the first aide stations for the Bike Time event. The building is large enough where these two events will be separate and clearly marked. There will be two separate entrances and a volunteer outside directing traffic.

They will be present at the Commission meeting to answer any questions.

Hope this helps!

Teresa Ackerberg

6/7/2007

MAY 11, 2002

27 people

TO: THE CITY OF MUSKEGON,

WE THE RESIDENTS, OF THE COMMUNITY @ JACKSON HILL IS PETITIONING THE CITY OF MUSKEGON FOR STREET LIGHTS, SPEED BUMPS, AND ODD AND EVEN PARKING DAYS IN OUR COMMUNITY.

SUMNER AVE. RUNS FROM WOOD STREET ON THE WEST TO MULDER STREET ON THE EAST, THEREFORE IT SHOULD BE CONSIDERED A PUBLIC STREET.

NAME

ADDRESS

1. Carrie Johnson - 646 Sumner Ave Apt. B
2. Patricia Hoskin 670 SUMNER # A
3. Donnie Brines
4. Linda Williams Dollie Williams 658-B
5. Carol Owens & James Owens 604-A Sumner
6. Suzanne Pratt - 600-B - Sumner
7. Joseph Darnell 658 A Sumner
8. 630 B Salahuddin Mustafa, 630 Sumner Ave apt. C
9. 630 B -
10. Paul McPherson - 630 A, Sumner Ave
11. Ethel Lee May 509 B McLaren Street
12. 614 B Blane & Cochran
13. 614 A Lucille Reddy -
14. Warren Griffin
15. 600 H B Sumner
16. Willie C. Mayfield 600 A Sumner AVE
17. 601-B Beanie Kelly apt B, 615 B
18. 601-C Virginia Alexander
19. 601 B
20. 601 A
21. 615 A -
22. 629 B
23. Royal Beason 629 A SUMNER.
24. 643-B
25. Roger Smith C43 A. Sumner

E. Lee May

MAY 11, 2002

TO: THE CITY OF MUSKEGON,

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THE CITY OF MUSKEGON FOR STREET LIGHTS, SPEED BUMPS, AND ODD AND
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STREET ON THE EAST, THEREFORE IT SHOULD BE CONSIDERED A PUBLIC
STREET.

NAME

ADDRESS

1. Emma Albrighton 657 apt B
2. Margie Carson 657 A
3. Mary Finley 671 B.
4. 441 A 601 A
5. Minnie Stigall
6. Celeste Johnson 685 A
7. Gerald Hammon 646 A
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