

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 22, 2012

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Recognition of Smash – Karli Baldus.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Liquor License Request from Dolgencorp, LLC, 381 E. Laketon. CITY CLERK
 - C. Permanent Traffic Control Order to Install Yield Signs on LeBoeuf at Miner. PUBLIC WORKS
 - D. Consideration of Bids for City Hall Tuck Pointing. ENGINEERING
 - E. Vacation of Waalkes Street between Delano Avenue and Young Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - F. Concession Contract for City of Muskegon Parks. PUBLIC WORKS
 - G. Transmittal of 2012-13 Proposed Budget. CITY MANAGER
 - H. Hackley Library Proclamation. CITY CLERK
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
 - A. CJ's on the Beach. CITY CLERK

❑ **NEW BUSINESS:**

A. Rezoning Request for Property Located at 1776 Division Street.
PLANNING & ECONOMIC DEVELOPMENT

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

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

**RESOLUTION
MUSKEGON HIGH SCHOOL
SMASH**

WHEREAS, Muskegon High School's theatre group was one of more than 1,000 applicants to apply for the 'Smash' Make a Musical contest, directed toward underserved schools with the resources to put on a musical; and

WHEREAS, finalists were chosen based on their financial need, the school's ability to sustain a musical theatre program, and the school's ability to rally support from the community; and

WHEREAS, Muskegon High School is one of thirty finalists and ultimately one of ten schools throughout the nation that will participate in a fully staged musical; and

WHEREAS, the Muskegon High School's theatre program will receive instruction from two nationally recognized master theatre instructors who will give professional development workshops with teachers and students in the fall. MHS will be given the rights to produce a show from the iTheatrics' collection of musicals for student performances and will put on a production that will be available to the public;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission commends Karli Baldus, Theatre Director, for her hard work and determination to offer this great opportunity to the students of the Muskegon High School theatre program. The City Commission recognizes the talents of the students of the MHS theatre program and the impact Ms. Baldus has made on each of them; we look forward to the upcoming production by our students of Muskegon High School.

IN WITNESS WHEREOF, I hereunto set my
hand and cause the seal of the City to be affixed this
22nd day of May, 2012.

Stephen J. Warmington
Mayor

Date: May 22, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the May 7th Commission Worksession Meeting and the May 8th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
May 7, 2012
City Commission Chambers
5:30 PM

MINUTES

2012-32

Present: Commissioners Warmington, Gawron, Hood (excused at 6:45 p.m.), Wierengo, German, Turnquist, and Spataro.

Absent: None.

Consumers Energy Smart Grid/Smart Meters Presentation.

Roger Morgenstern, representative of Consumers Energy, gave a presentation of the 2012-2013 smart meter installation. Approximately 60,000 smart meters will be installed between August 20th and December 31st.

The smart meters will ensure two-way communication between Consumers Energy and customers. The new system will offer several options that the current system does not.

Sand Products Proposal.

Chuck Canestraight, President of Sand Products, made a presentation regarding a possible property swap of Fisherman's Landing with Sand Products property.

Members of the City Commission and several audience members made comment.

Staff was instructed to continue discussions with Sand Products.

Proposal for Refuse Collection – Amendment from Allied Waste/Republic Services.

Staff and Allied Waste/Republic Services negotiated a proposed amendment to the present agreement to extend the contract through December 31, 2022.

This item will be considered by the City Commission at its City Commission Meeting on May 8, 2012.

Any Other Business.

Public comments were received.

Adjournment.

Motion by Commissioner Hood, seconded by Commissioner Spataro to adjourn at 8:00 p.m.

MOTION PASSES

**Ann Marie Cummings, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 8, 2012

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, May 8, 2012.

Mayor Warmington opened the meeting with a prayer from Pastor Marcy Miller from the Samuel Lutheran Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Byron Turnquist, Eric Hood, Lawrence Spataro, and Willie German, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-33 HONORS AND AWARDS:

A. Certificate of Appreciation. PUBLIC SAFETY

Public Safety Director Jeff Lewis presented Daniel Yokubonus with a Certificate of Appreciation for his assistance in the arrest of a fleeing armed robber.

B. People's Choice Award for Best Beach.

Dave Alexander, Rotary member, presented Mayor Warmington with an award recognizing Pere Marquette Beach as "Best Public Beach".

2012-34 INTRODUCTIONS/PRESENTATION:

A. Con Nolan – Great Lakes Die Cast.

Con Nolan, President of Great Lakes Die Cast thanked the City for the business loan. With the help of the City, many jobs were retained and/or added.

2012-35 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the April 24th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Special Event Request – Muskegon Bike Time Events, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Muskegon Bike Time Events Inc. has filed a special event application for the annual Bike Time festival in downtown Muskegon to be held July 19, 20, 21, and 22, 2012. Portions of their request require City Commission approval, including some items that are new for 2012, and some that are the same as in past years.

FINANCIAL IMPACT: Request that equipment rental fees be waived.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: It is recommended that staff be allowed to make the final decision regarding rental fees and actual costs to be coordinated through the City Manager. In addition, staff recommends if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Bike Time. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event. These recommendations follow what was done for the previous Bike Time events.

Regarding street closures, staff recommends approval with the condition that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

C. 2012 Pavement Marking Program. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is requesting permission to enter into a one-year contractual agreement with Michigan Pavement Marking (MPM) of Wyoming, Michigan for centerline painting and specialty markings. This contract is bid out by the Muskegon County Road Commission (MCRC) for local agencies in the Muskegon County Pavement Marking Group with each member billed separately by MPM for painting services requested.

FINANCIAL IMPACT: Estimated costs for 2012 are \$20,000 (which includes \$5,000 for limited specialty markings). Approximately \$14,794 in 2009 and \$14,300 in 2010 was spent for centerline painting and then \$20,334 in 2011 was spent for centerline painting/specialty markings, through previous contracts with MCRC and MPM.

BUDGET ACTION REQUIRED: None, contractual work has been budgeted for in the Highway Majors budget.

STAFF RECOMMENDATION: Approve request.

D. Senior Nutrition Program – Agreement between AgeWell Services of West Michigan (AWS) and the City of Muskegon. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has contracted with AgeWell Services for several years to conduct the senior nutrition program at the McGraft Park Community Building. This Agreement will extend those services through September 30, 2013.

FINANCIAL IMPACT: The City of Muskegon financially supports the program in the amount of \$8,316. AWS pays the City \$200 a month for rent and utilities.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Agreement and authorize the Mayor's signature.

E. Disc Golf at McGraft Park. PUBLIC WORKS

SUMMARY OF REQUEST: Consider a request from a group of volunteers called The Thursday Night League at MPDGC to install eighteen (18) concrete tee pads to enhance and protect the Disc Golf Course at McGraft Park. The group's request is as follows:

- 1- The City not to object to the group raising the necessary funds via solicitation of private donation.
- 2- City provides some assistance in equipment and available materials such as sand.
- 3- The City act as the fiduciary of the collected funds and issue payments to outside contractors/suppliers using said funds. The group feels that such steps will enable the private donors to claim some type of tax deduction thus encouraging donation.

FINANCIAL IMPACT: None since the City's participation is limited to equipment and or available material.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the request since the proposed work will enhance the park under one condition: City staff will have the final decision on where and how the proposed pads will be.

F. Solid Waste Contract Extension, until end 2022. PUBLIC WORKS

SUMMARY OF REQUEST: Extend the refuse collection contract with Republic/Allied Waste until December 31, 2022 with the modifications to the current contract as outlined in the proposal from Allied Waste dated May 1, 2012.

The proposal was arrived at after negotiations between City Staff and

Allied Waste per your authorization back in March 13, 2012.

FINANCIAL IMPACT: An estimated annual refuse and yard waste cost of \$133,000 starting January 1, 2013.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to issue a contract extension based upon the proposal.

G. Removal of Citizen's District Council Member and Appointment to Housing Commission. CITY CLERK

SUMMARY OF REQUEST: To remove Stephanie Marion from the Citizen's District Council and concur with the City Manager's recommendation to appoint Katrina Hansen to the Housing Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended approval at their May 7th Meeting.

Motion by Vice Mayor Gawron, second by Commissioner German to approve the Consent Agenda as presented.

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

Nays: None

MOTION PASSES

2012-36 NEW BUSINESS:

A. Proposed 2012-2013 CDBG/HOME Grants Budget. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the 2012–2013 CDBG/HOME grant budget based on the spreadsheet for submission of the 2012–2013 Action Plan to HUD.

FINANCIAL IMPACT: The Community Development Block Grant and HOME grant budget is the basis of the annual Action Plan for the Community and Neighborhood Services department.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the 2012-2013 CDBG/HOME grant budget based on the spreadsheet for submission of the 2012-2013 Action Plan to HUD.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the proposed 2012-2013 CDBG/HOME grants budget for submission of the

Action Plan to HUD.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Spataro congratulated Muskegon High School seniors for being the national winners of the musical competition.

2012-37 PUBLIC PARTICIPATION:

Jessie Evans from Trinity Village requested a water bill adjustment due to a leak in an apartment that they were not notified about.

Motion by Commissioner Spataro, second by Commissioner Wierengo to allow for the leak adjustment and allow staff to negotiate a payment plan.

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

Nays: None

MOTION PASSES

Jen Osborn commented on her liquor license for CJ's on the Beach.

Mayor Warmington recused himself at 6:15 p.m. during this discussion and Vice Mayor Gawron continued the meeting. Staff will send information to the Commission, and this will be discussed at the next Commission Meeting.

Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: May 22, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Liquor License Request
Dolgencorp, LLC
381 E. Laketon

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Dolgencorp, LLC, a Chain Applicant for a new SDM license for 381 E. Laketon (Dollar General Store #10842).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Jeffrey Lewis
Director of Public Safety

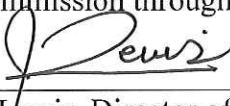
980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

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

May 09, 2012

To: City Commission through the City Manager

From: 
Jeffrey Lewis, Director of Public Safety

Re: Liquor License Investigation – 381 E. Laketon Ave
Requests a New SDM License

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Dolgencorp, LLC, a Chain Applicant (A Kentucky Limited Liability Company) for 381 E. Laketon Ave Street, Muskegon, MI. 49442.

Dolgencorp, LLC is requesting a New SDM license for 381 E. Laketon Ave., Dollar General Store # 10842.

A check of MPD records showed no issues of concern for this location and finds no reason to deny this request.

JL/kd

Amended



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
(517) 322-1400 - toll free (866) 813-0011 - www.michigan.gov/lcc

FOR MLCC USE ONLY

Business ID: 228252

Request ID: 633619: smg

3-28-TV

Police Investigation Report

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Date: Feb 24, 2012

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

RECEIVED
APR 5 2012
MUSKEGON POLICE DEPT.
CHIEF of POLICE

Please conduct your investigation as soon as possible. Complete all sections of this report and return it, along with the finger print cards (if requested) to the Michigan Liquor Control Commission at the address listed above.

Applicant Information

Name of applicant: Dolgencorp, LLC (A Kentucky Limited Liability Company)

Business address: SUITE A 381 E Laketon, Muskegon, MI 49442, Muskegon County

Contact: Scott D Edwards, 2855 Coolidge Hwy, Suite 203, Troy, MI 48084, Phone: (248)816-5000, Fax: (248)816)5115

Request:

Requests new SDM license

Section 1. Investigation of business and address to be licensed

Provide recommendation(s) for the specific permits checked below:

☐ Dance ☐ Recommended ☐ Not Recommended

☐ Entertainment ☐ Recommended ☐ Not Recommended

☐ Topless Activity ☐ Recommended ☐ Not Recommended

☐ Outdoor Service ☐ Recommended ☐ Not Recommended

of areas: _____

☐ Participation permit ☐ Recommended ☐ Not Recommended

with (insert name): _____

☐ Additional bars ☐ Recommended ☐ Not Recommended

of bars: _____

☐ Living Quarters ☐ Recommended ☐ Not Recommended

☐ Direct Connection ☐ Recommended ☐ Not Recommended

of areas: _____

☐ Specific purpose permit for extended hours of operation requested for (indicate permit type): _____

Weekdays: _____ A.M. to _____ A.M.

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

☐ Recommended ☐ Not Recommended

***Note: If the applicant is requesting two separate extended hour permits and the permits are for different hours, you must complete the extra box provided. If additional space is needed, please attach additional pages.**

☐ Specific purpose permit for extended hours of operation requested for (indicate permit type): _____

Weekdays: _____ A.M. to _____ A.M.

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

☐ Recommended ☐ Not Recommended

Are motor vehicle fuel pumps at, or directly adjacent to, the establishment?

☐ No ☐ Yes

If yes, explain the relationship below:

Section 2.**Applicant Investigation**

Note: If this section is blank, please continue to Section 3.

***Attach the fingerprint card and \$30.00 fee payable to the State of Michigan (for each card), if requested by the MLCC, and mail to the Michigan Liquor Control Commission with this report.

Name: Chain Applicant (Private Chain)

Position: _____ Date of birth: _____ Date fingerprinted: No Fingerprints Needed

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

If no, does the applicant have permanent Resident Alien Status? ☐ No ☐ Yes

Does the applicant have a Visa? ☐ No ☐ Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? ☒ No ☐ Yes If yes, attach record history 

Name: _____

Position: _____ Date of birth: _____ Date fingerprinted: _____

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

If no, does the applicant have permanent Resident Alien Status? ☐ No ☐ Yes

Does the applicant have a Visa? ☐ No ☐ Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? ☐ No ☐ Yes If yes, attach record history

Name: _____

Position: _____ Date of birth: _____ Date fingerprinted: _____

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

If no, does the applicant have permanent Resident Alien Status? ☐ No ☐ Yes

Does the applicant have a Visa? ☐ No ☐ Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? ☐ No ☐ Yes If yes, attach record history

Section 3.**Recommendation**

Is the request by the applicant recommended by your department at this time?

☐ No

☒ Yes 

If you answered no, please provide an explanation as to why your department does not recommend this application.
(List your reasons on the reverse side of this form, or attach a separate sheet if more space is needed.)



Authorized signature (Sheriff or Chief of Police)

4/11/12

Date

Date: May 22, 2012

To: Honorable Mayor and City Commissioners

From: DPW

RE: Permanent Traffic Control Order – Install Yield Signs on LeBoeuf @
Miner

SUMMARY OF REQUEST:

Authorize staff to install two Yield Signs on north and south approaches of LeBoeuf @ Miner.

FINANCIAL IMPACT:

Cost of signs and man-power to install, if approved.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize staff to install the Yield Signs on LeBoeuf

COMMITTEE RECOMMENDATION:

Date: May 22, 2012
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
City Hall Tuck pointing (B-248)

SUMMARY OF REQUEST:

Award a contract for the Tuck Pointing and sealing of City Hall building to Kent Companies out of Grand Rapids since they were the lowest responsible bidder with a bid price of \$37,925 (see attached bid tabulation).

FINANCIAL IMPACT:

\$37,925.

BUDGET ACTION REQUIRED:

None; project was budgeted for in the 2011/2012 CIP.

STAFF RECOMMENDATION:

Award the contract to Kent Companies.

COMMITTEE RECOMMENDATION:

B-248
CITY HALL TUCKPOINTING
BID TABULATIONS

CONTRACTOR ADDRESS CITY/ST/ZIP		CUSACKS MASONRY RESTORATION, INC. PO Box 220 Hubbardston, MI 48845		M One Limited Inc. (DBA) Mark 1 Restoration 19035 W. Davison Detroit, MI 48223		National Restoration Inc. 2165 Fyke Dr. Milford, MI 48381		Helms Caulking Inc. 2824 Clydon Ave. Wyoming, MI 49519		Kent Companies Inc. 130 60th St. SW Grand Rapids, MI 49548	
LINE	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	NORTHEAST WING OF CITY HALL	\$ 24,500.00	\$ 24,500.00	\$ 14,400.00	\$ 14,400.00	\$20,000.00	\$ 20,000.00	\$14,000.00	\$ 14,000.00	\$ 9,481.25	\$ 9,481.25
2	NORTHWEST WING OF CITY HALL	\$ 24,500.00	\$ 24,500.00	\$ 14,400.00	\$ 14,400.00	\$20,000.00	\$ 20,000.00	\$14,000.00	\$ 14,000.00	\$ 9,481.25	\$ 9,481.25
3	SOUTHEAST WING OF CITY HALL	\$ 24,500.00	\$ 24,500.00	\$ 14,400.00	\$ 14,400.00	\$19,000.00	\$ 19,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,481.25	\$ 9,481.25
4	SOUTHWEST WING OF CITY HALL	\$ 24,500.00	\$ 24,500.00	\$ 14,400.00	\$ 14,400.00	\$20,000.00	\$ 20,000.00	\$11,000.00	\$ 11,000.00	\$ 9,481.25	\$ 9,481.25
Low Bidder			\$ 98,000.00		\$ 57,600.00		\$ 79,000.00		\$ 48,000.00		\$ 37,925.00

CONTRACTOR ADDRESS CITY/ST/ZIP		D.C. Eyers Company 5715 Rivard St. Detroit, MI 48211	
LINE	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	NORTHEAST WING OF CITY HALL	\$ 39,800.00	\$ 39,800.00
2	NORTHWEST WING OF CITY HALL	\$ 39,600.00	\$ 39,600.00
3	SOUTHEAST WING OF CITY HALL	\$ 38,500.00	\$ 38,500.00
4	SOUTHWEST WING OF CITY HALL	\$ 40,900.00	\$ 40,900.00
Estimate Total			\$ 158,800.00

Commission Meeting Date: May 22, 2012

Date: May 16, 2012
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Vacation of Waalkes St between Delano Ave and Young Ave

SUMMARY OF REQUEST:

Staff is requesting for the vacation of Waalkes St between Delano Ave and Young Ave, with all utility easement rights to be retained.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the street at their 5/10/12 meeting, with the condition that all utility easement rights be retained.

CITY OF MUSKEGON

RESOLUTION #2012-

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Waalkes St, between Delano Avenue and Young Avenue; and

WHEREAS, the Planning Commission held a public hearing on May 10, 2012 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the May 22, 2012 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Waalkes Street, between Delano Avenue and Young Avenue; and

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with any fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of street hereby vacated, and it is hereby expressly declared that any such rights shall remain in full force and effect;

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the vacated street which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 22nd day of May, 2012.

Ayes:

Nays:

Absent:

By: _____
Steve Warmington, Mayor

Attest: _____
Ann Cummings, MMC, City Clerk

CERTIFICATE (Vacation of Waalkes Street between Delano Avenue and Young Avenue)

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 May 22, 2012.

Ann Cummings, MMC
Clerk, City of Muskegon

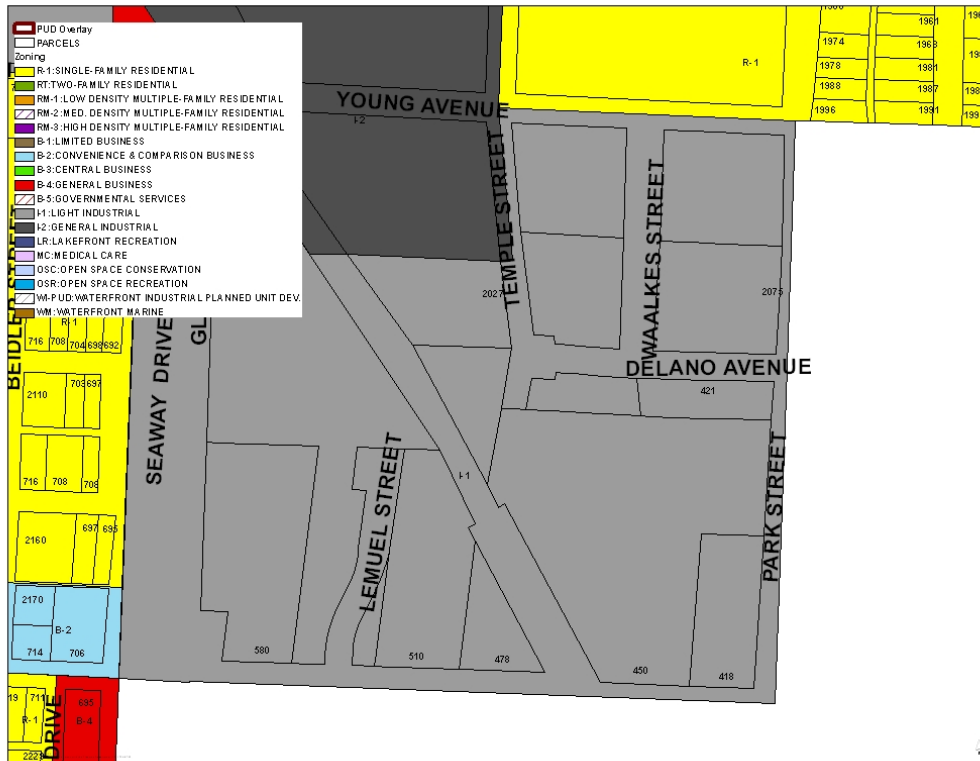
**CITY OF MUSKEGON
PLANNING COMMISSION
STAFF REPORT (EXCERPT)**

Hearing, Case 2012-12: Staff initiated request to vacate Waalkes St, between Delano Ave and Young Ave.

BACKGROUND

The City of Muskegon has recently sold the vacant lot on Delano Ave in the Seaway Industrial Park to Wood Trucking. Wood Trucking currently runs their business on the parcel of land to the east of this vacant lot. They would like to combine the two lots so that they can operate their business on one contiguous piece of property. In order to do so, Waalkes St, which separates the two parcels, must be vacated. Although an easement was created for the establishment of Waalkes St, the road was never created.

Zoning Map



Aerial Map



Waalkes St, looking north from Delano Ave



Waalkes St, looking south from Young Ave



AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: May 22, 2012

SUBJECT: Concession Contract for City of Muskegon Parks.

SUMMARY OF REQUEST:

Staff is asking permission to enter into 1-year contractual agreement with Tom Williams of Messy Dogs at Pere Marquette, Seyferth and McGraft Parks located within the City of Muskegon to sell hot dogs and other minor snacks from a Mobil cart.

FINANCIAL IMPACT:

Contract revenue will be 10% of gross receipts, per Concession Agreement.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to enter into concession agreement with Mr. Williams.

COMMITTEE RECOMMENDATION:

Proposal to operate mobil food cart in the city of
Muskegon, Michigan

My name is Tom Williams and I own a mobil hot dog cart, doing business as, Messy Dogs.

I am requesting permission to operate on the following city owned parks. Pere Marquette park, Seyferth park and Mc Graft park. I understand, if a event is schuduled that I will responsible for getting permission from the person(s) in charge of that event.

I am requesting to operate from Memorial Day through the end of September, or when weather no longer makes it appropriate to operate outside.

Attached to this request are images of the hot dog cart. The images will give you the opportunity to view the small footprint needed.

Product offered by Messy Dogs are: hot dogs, soft drinks and snacks. Messy Dogs is committed to " Pure Michigan" products. From hot dogs, buns, soft drinks and water, products are made in Michigan.

Hours of operation to be determined.

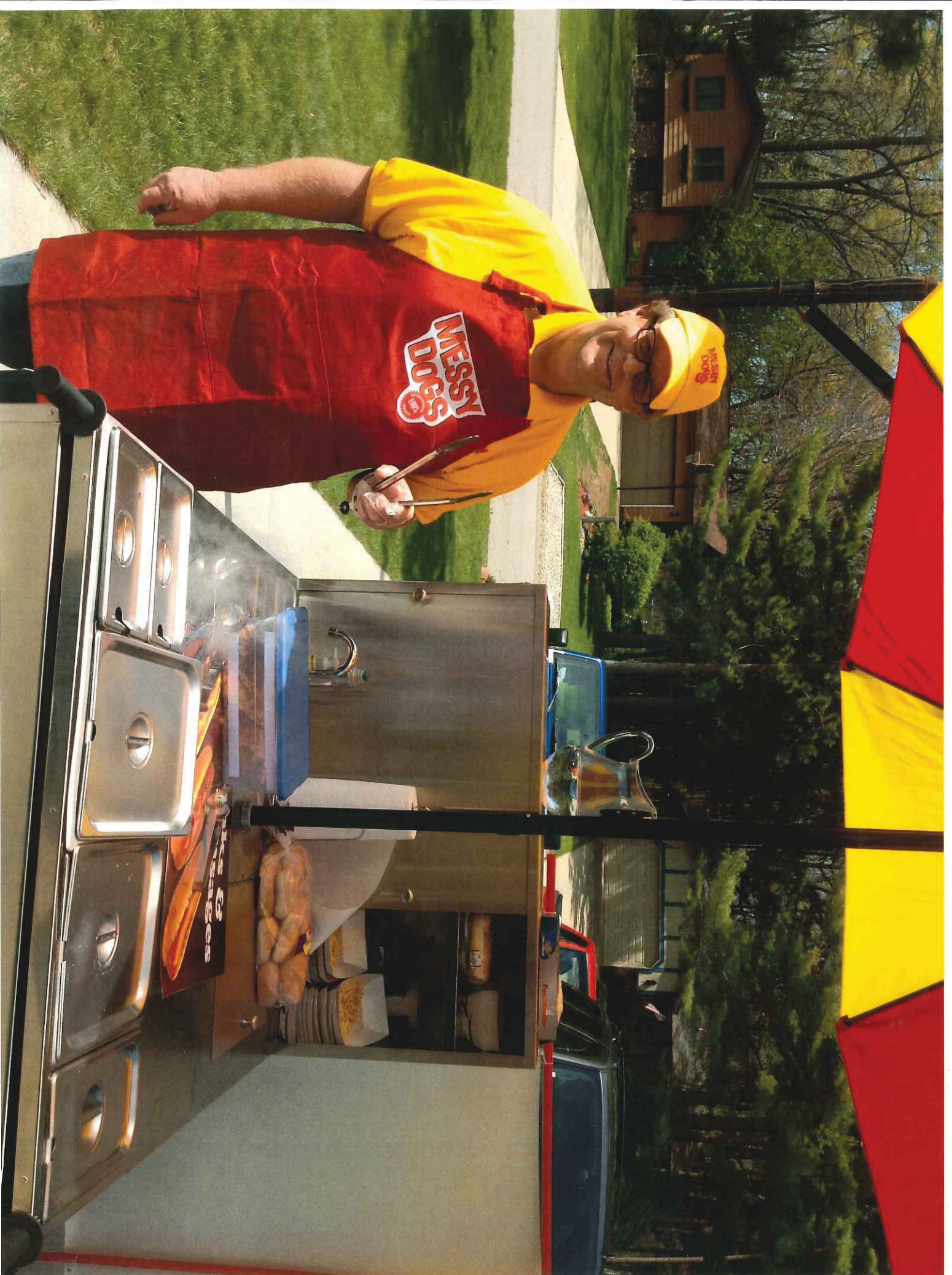
I have been given a license to operate by the Michigan Health Depatment. We serve quality food in a clean and food safe environment.

Thank you for your consideration of this request. Should you have any questions, I can be reached at 616- 842-6114 or email at messydogs@gmail.com.

Respectfully Submitted,



Tom Williams
Messy Dogs





Date: May 22, 2012

To: Honorable Mayor and City Commissioners

From: City Manager

RE: Transmittal of 2012-13 Proposed Budget

SUMMARY OF REQUEST: At this time staff is transmitting to the City Commission the proposed budget for fiscal year 2012-13 which starts July 1, 2012. Both hardcopy and electronic versions of the budget have been distributed to Commissioners. Additionally, the budget is available for public inspection on the City's website and at the City Clerk's office or Hackley Public Library.

The proposed budget will be reviewed in detail with staff at the June 11th work session. A public hearing on the budget will be held at the regular Commission meeting the following evening. City ordinance requires that the budget be adopted by the Commission on or before the second Commission meeting in June.

FINANCIAL IMPACT: The budget is the City's financial plan for the coming fiscal year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION: None

Date: May 22, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Hackley Library Proclamation

SUMMARY OF REQUEST: Hackley Public Library has been named a National Literary Landmark based on its relationship with Verna Aardema Vugteveen who was a renowned Muskegon County resident, teacher and Muskegon Chronicle reporter who was known as *Muskegon's Story Lady*.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Recognize that Hackley Public Library is a Literary Landmark and ask all citizens of Muskegon County to celebrate Hackley Public Library's place in our country's literary heritage.

PROCLAMATION HACKLEY LIBRARY

WHEREAS, Hackley Public Library has been named a national Literary Landmark based on its relationship with Verna Aardema Vugteveen; and

WHEREAS, Verna Aardema Vugteveen is an award-winning author of over thirty children's books and collections of stories, including the Caldecott Medal-winning book *Why Mosquitoes Buzz in Peoples Ears* (1975); and

WHEREAS, Verna Aardema Vugteveen was a renowned Muskegon County resident, teacher and Muskegon Chronicle reporter who was known as *Muskegon's Story Lady*; and

WHEREAS, a bronze plaque will be unveiled during a community celebration on June 12, 2012, designating Hackley Public Library as Michigan's seventh official Literary Landmark:

NOW, THEREFORE, BE IT RESOLVED, that I, Stephen J. Warmington, speaking on behalf of the City Commission and citizens of Muskegon, hereby proclaim that Hackley Public Library is a Literary Landmark and ask all citizens of Muskegon County to celebrate Hackley Public Library's place in our country's literary heritage.

IN WITNESS WHEREOF, I
hereunto set my hand and cause the
seal of the City to be affixed this 22nd
day of May, 2012.

Stephen J. Warmington
Mayor

Date: May 22, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: CJ's on the Beach

SUMMARY OF REQUEST: CJ's on the Beach, 1601 Beach Street, asked Commission to reconsider the renewal of their liquor license.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

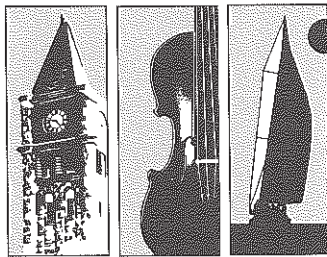
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

May 10, 2012

Captain Jack's Bar & Grill
c/o Allison Johnson
2108 Merlin NE
Grand Rapids, MI 49525

RE: Liquor License Renewal

To Whom It May Concern:

The Treasurers' Office for the City of Muskegon has reviewed your establishment's account(s) to determine if you are compliant with our department before approving your annual liquor license.

Your establishment has until March 12, 2012 to resolve the following violation(s):

1. Outstanding 2011 Winter Personal Property Tax 24-900-251-1201-00 - \$ 125.71
2. Outstanding 2011 Winter Property Tax 24-205-739-0001-20 - \$ 4,646.89
3. Delinquent Property Taxes 24-205-739-0001-20 - \$ 6,512.25
4. Outstanding Rent Due for January-May 2012 - \$ 4,993.75

Grand Total

\$16,278.60

If the violation(s) are not resolve by the appropriate time, our department will recommend to the City Commission not to renew your liquor license. Listed above are the violations that our department has found.

If you have any questions, please contact our department at (231) 724-6932.

Kenneth D. Grant
Deputy Treasurer
City of Muskegon

PARCEL ID NUMBER: 24-205-739-0001-20
TAXPAYER: CJ'S ON THE BEACH LLC
PROPERTY ADDRESS: 1601 BEACH ST MUSKEGON MI 49441

CITY OF MUSKEGON

YEAR	TAX	INTEREST & FEES	TOTAL	STATUS
2012	0.00	0.00	0.00	NOT RETURNED DELINQUENT
2011	4,353.65	293.24	4,646.89	DELINQUENT
2010	5,425.89	1,086.36	6,512.25	DELINQUENT
2009	0.00	0.00	0.00	DELINQUENT TAXES PAID
2008	0.00	0.00	0.00	DELINQUENT TAXES PAID
2007	0.00	0.00	0.00	NOT RETURNED DELINQUENT
2006	0.00	0.00	0.00	DELINQUENT TAXES PAID
2005	0.00	0.00	0.00	DELINQUENT TAXES PAID
2004	0.00	0.00	0.00	DELINQUENT TAXES PAID
2003	0.00	0.00	0.00	DELINQUENT TAXES PAID
TOTAL TAX & FEES			11,159.14	
STATEMENT TOTAL:			11,159.14	
INTEREST COMPUTED THROUGH 05/10/2012				

Commission Meeting Date: May 22, 2012

Date: May 17, 2012
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located at 1776 Division St.

SUMMARY OF REQUEST:

Request to rezone the property located at 1776 Division St from R1, Single Family Residential District to B-4, General Business District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to recommend denial of the request at their 5/10/12 meeting. The motion was approved by a 7-1 vote.

CITY OF MUSKEGON

RESOLUTION #2012-

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 1776 Division St. was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on May 10, 2012, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map, Master Land Use Plan and zoning district intent.

NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 22nd day of May, 2012.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Warmington
Mayor

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 May 22, 2012.

Ann Cummings, MMC
City Clerk

STAFF REPORT (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

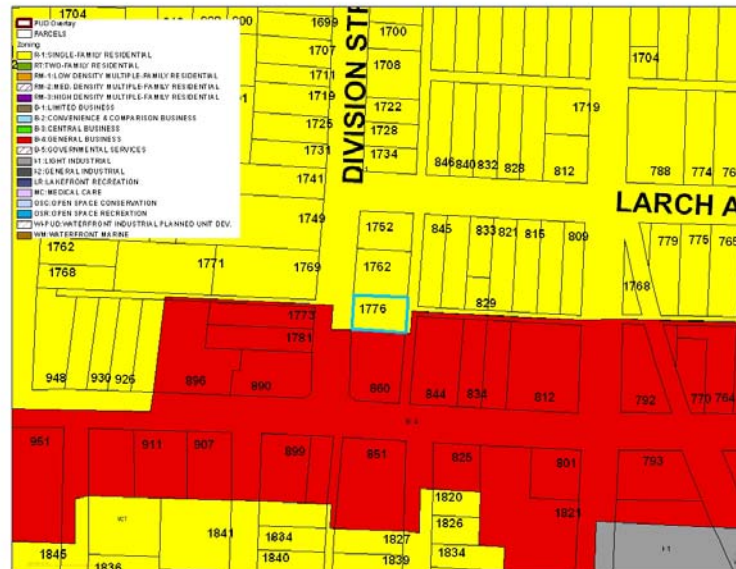
May 10, 2012

Case 2012-010: Request to rezone the property at 1776 Division St from R-1 Single Family Residential District to B-4, General Business District, by Michael David.

STAFF OBSERVATIONS

1. The applicant owns the residential property at 1776 Division St (zoned R-1, Single Family Residential) as well as the adjacent car lot (zoned B-4, General Business) at 860 W Laketon Ave.
2. The applicant is requesting a zone change at 1776 Division St from R-1 to B-4 so that he may apply (Case 2012-011) for a special use permit to extend the car lot onto the property at 1776 Division St.
3. The house at 1776 Division St is currently registered as a vacant building with the City of Muskegon's Vacant Building Registration Program. The house has been vacant since November 17, 2008. The plans for the expansion of the car lot show that the house would be demolished to make room for more sales space; however, if the property was rezoned and the house was not demolished, the rezoning to B-4 would allow the building to be used as another office or for storage, which would take the building off of the Vacant Building Registration Program.
4. The applicant was approved for a car lot at 721 E Laketon Ave on July 15, 2010; however, the car lot never opened and the improvements to the property were never made.
5. The parcels to the east, west and south are zoned B-4, General Business District. The parcels to the north are zoned R-1, Single Family Residential. Although the parcels to the west are zoned B-4, General Business District, it should be noted that they are currently houses that are occupied.
6. The parcel at 1776 Division St measures roughly 5,663 sqft and is considered legally non-conforming because it does not meet the minimum lot size of 6,000 sqft.
7. The parcel at 860 W Laketon Ave measures roughly 10,890 sqft and is considered a conforming lot for B-4, General Business Districts.
8. A notice letter was sent to all property owners and tenants within a 300 foot radius of this property. At the time of this writing, staff has not received any comments from the public.
9. Please see enclosed zoning ordinance excerpts of R-1, Single Family Residential Districts and B-4, General Business Districts.

Zoning Map



House at 1776 Division St. with car lot in the background



Car lot at 860 W Laketon Ave with house at 1776 Division St in the background.



Houses at 1773 & 1781 Division St (zoned B-4) as viewed from 1776 Division St.

