

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 14, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Request – Transfer Ownership at 2300 Henry Street.
CITY CLERK
 - c. Consideration of Bids – Morton, Torrent to Bourdon. ENGINEERING
 - d. Consideration of Bids – Elevated Water Tank (Harvey & Laketon).
ENGINEERING
 - e. Consideration of Bids 0 2000, 2001, & 2002 Material Testing.
ENGINEERING
 - f. Consideration of Proposal – 2000 Sidewalk Program. ENGINEERING
 - g. Leave a Legacy Program. LEISURE SERVICES
 - h. Softball World Lease Agreement. LEISURE SERVICES
 - i. Purchase Plice Vehicle In-Car Video Cameras with 1998 Block Grant Money. POLICE
 - j. Sale of Vacant Land on Yuba Street in Jackson Hill. PLANNING & ECONOMIC DEVLEOPMENT
- ❑ **PUBLIC HEARINGS:**
 - a. Roberts Street, Lawrence to Wesley – Create a Special Assessment District. ENGINEERING
 - b. 2000 Sidewalk Program (E-4) – Create a Special Assessment District. ENGINEERING
 - c. 2000-2004 CDBG/HOME Consolidated Plan. COMMUNITY AND

NEIGHBORHOOD SERVICES

d. Annual Renewal of Liquor License Establishments. CITY CLERK

❑ COMMUNICATIONS:

a. Census 2000 Presentation

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

a. Alley Vacations in Alberts & Holthe Subdivision, Block 4. PLANNING & ECONOMIC DEVELOPMENT

❑ NEW BUSINESS:

a. Clean Michigan Grant Applications. LEISURE SERVICES

b. Parking Fine/Impound Fee Adjustments. FINANCE

c. Shoreline Drive Property Acquisition. CITY MANAGER

d. CDBG/HOME 2000-2001 Recommendations. COMMUNITY AND NEIGHBORHOOD SERVICES

e. Display of past Mayor's Pictures. MAYOR

f. Shoreline Dr. East Consulting Agreement Amendment. ENGINEERING

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

❑ CLOSED SESSION:

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- 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: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 22, 2000.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 14, 2000

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, March 14, 2000.

Mayor Nielsen opened the meeting with a prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Fred J. Nielsen; Vice-Mayor Scott Sieradzki; Commissioners John Aslakson, Jone Wortelboer Benedict, Clara Shepherd, and Lawrence Spataro

Absent: Commissioner Robert Schweifler (excused)

HONORS AND AWARDS:

Finance Director, Tim Paul, was presented a Certificate of Achievement for Excellence in Finance Reporting by Mayor Nielsen.

2000-30 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, February 22, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Liquor License Request – Transfer ownership at 2300 Henry Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Daniels Concession, LLC to transfer ownership of the existing 1995 Class C-SDM license from Amos Daniels to Jon Caughey. Previous approval of the transfer of location and dance permit was given September 28, 1999, with stipulations regarding zoning issues. These issues have now been resolved.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

c. Consideration of Bids – Morton, Torrent to Bourdon. ENGINEERING

SUMMARY OF REQUEST: The contract to construct Morton between Torrent and Bourdon be awarded to Jackson Merkey Contractors, Inc. since they were the lowest responsible bidder with a price of \$98,771.20.

FINANCIAL IMPACT: The construction cost of \$98,771.20 plus related engineering expenses.

BUDGET ACTION REQUIRED: None, the project was budgeted for at \$140,000 out of the Local Street Fund.

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

d. Consideration of Bids – Elevated Water Tank (Harvey & Laketon). ENGINEERING

SUMMARY OF REQUEST: To contract to repaint the elevated tank on the northeast corner of Laketon and Harvey be awarded to Thomas Industrial since they were the lowest responsible bidder with a bid price of \$103,076.00.

FINANCIAL IMPACT: The construction cost of \$103,076 plus related engineering expenses.

BUDGET ACTION REQUIRED: None, the project was budgeted at \$130,000.

STAFF RECOMMENDATION: Award the contract to Thomas Industrial Coatings.

e. Consideration of Bids – 2000, 2001, & 2002 Material Testing. ENGINEERING

SUMMARY OF REQUEST: To enter into a three-year material testing contract with Soils and Structures. Soils and Structures were the lowest responsible bidder with an estimated annual bid of \$8,479.30. Under this three-year contract, Soils & Structures will provide us with all soil borings, asphalt and concrete testing and pavement cores.

FINANCIAL IMPACT: The annual testing cost of \$8,479.40.

BUDGET ACTION REQUIRED: None, the cost will be charged to specific construction projects.

STAFF RECOMMENDATION: Award the contract to Soils and Structures.

g. Leave a Legacy Program. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to become a part of the Leave a Legacy program, a public relations campaign to generate dollars for programs and projects.

FINANCIAL IMPACT: \$100.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve.

h. Softball World Lease Agreement. LEISURE SERVICES

SUMMARY OF REQUEST: To renew the agreement with Muskegon Township for the use of Softball World and to use their concessionaire to maintain the fields.

FINANCIAL IMPACT: \$8,000 some of the electric costs to lease the field. \$12,876 to have the fields maintained for all play during 2000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve.

i. Purchase Police Vehicle In-Car Video Cameras with 1998 Block Grant Money.
POLICE

SUMMARY OF REQUEST: To purchase eleven in-car video cameras to upgrade to the high quality Kustom Signal cameras in all marked and semi-marked patrol units. This would allow us to install the new model cameras in all regularly assigned Patrol Division, Community Policing Bureau, Traffic Bureau, and K-9 vehicles. We would purchase the cameras on the State of Michigan/Kustom Signal contract 071B8000611. These prices are good through May 1, 2000. Cost will likely increase after that date. The cost per camera system is \$4,890.50. Total cost for eleven systems is \$53,795.50.

BUDGET ACTION REQUIRED: None.

FINANCIAL IMPACT: Expend \$53,795.50 of the money awarded under the 1998 Local Law Enforcement Block Grant, 98LBVX3225 and local ten percent match money.

STAFF RECOMMENDATION: Staff recommends this purchase.

j. Sale of Vacant Land on Yuba Street in Jackson Hill. PLANNING & ECONOMIC
DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of four non-buildable lots to Reverend and Mrs. Dixon of 992 Spring Street. Total frontage for the combined lots is 140 feet. The couple intends to build a three-bedroom single family home with approximately 2,976 square feet of living space. Also the home includes an attached two-car garage, brick front and front porch. The bid price for the land was \$3,500 and the Dixons submitted the only bid of \$4,999.99. Approval of this sale will allow for a second home to be constructed pursuant to the Jackson Hill Marketing Strategy.

FINANCIAL IMPACT: The sale of the property will allow the City to collect taxes on the new home and relieve the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The LRC approved the sale of these combined lots to one buyer at their December meeting.

Motion by Commissioner Spataro, second by Vice Mayor Sieradzki to approve the

Consent Agenda with the exception of item f.

ROLL VOTE: Ayes: Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson
Nays: None

ADOPTED

2000-31 ITEM REMOVED FROM THE CONSENT AGENDA:

f. Consideration of Proposal - 2000 Sidewalk Program. ENGINEERING

SUMMARY OF REQUEST: The 2000 Sidewalk project be awarded to E & K as an amendment to the 1998/1999 contract. E & K has submitted the attached letter proposing to perform the work with the same unit prices for the most part as well as reduction on some of the major items. The cost for this amendment is estimated at \$514,283.75. Furthermore, it is requested that this amendment be contingent on the creation of the special assessment district.

FINANCIAL IMPACT: The construction cost of \$514,283.75 plus an estimated \$77,000 of related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Amend the 1998/1999 contract to include the 2000 project.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the contract contingent on creation of the special assessment district.

ROLL VOTE: Ayes: Nielsen, Shepherd, Spataro, Aslakson, Benedict
Nays: Sieradzki

ADOPTED

2000-32 PUBLIC HEARINGS:

a. Roberts Street, Lawrence to Wesley - Create a Special Assessment District. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Roberts, Lawrence to Wesley, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:50 p.m. to hear and consider any comments from the public. Greg Scott, 1604 Jefferson, representing Pioneer Resources spoke in favor of the project.

Motion by Commissioner Shepherd, second by Vice Mayor Sieradzki to close the

Public Hearing at 5:53 p.m. and create the special assessment and appoint Commissioner Aslakson and Commissioner Spataro to the Board of Assessors.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

Nays: None

b. 2000 Sidewalk Program (E-4) – Create a Special Assessment District.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those obtaining a permit.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the project for special assessment, create a special assessment district for the project and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public hearing opened at 6:15 p.m. to hear and consider any comments from the public. The following spoke in opposition of the special assessment: Larry Passenier, 1856 Continental; Thomas Young, 1596 Madison; Lonnie Herrera, 1908 Austin; Michael J. Wood, 875 Mangin; Steve Borstler, 1255 Fleming; Cindy Gilleo, 871 Mangin; Rev. Piggue, 760 Holbrook; Victoria Tartt, 926 Fleming; Theresa Hicks, 1392 E. Forest; Michael Jenkins, 1291 Fifth; Lora Coffell, 914 E Dale; Joan Faino, 859 Fleming; Vickie Koday, 1193 E. Dale; Debbie Buys owner of 1572 Getty; Robert Lindstrom, 907 Mangin; Irving Smith, 1361 Eastgate; Steve Olejarczyk, 1131 Evanston; Jeff Brezinski, 1731 Madison; John Koday, 1193 E. Dale; and Dale Puehler, 957 Emerson.

Motion by Commissioner Aslakson, second by Commissioner Spataro to close the Public Hearing at 7:30 p.m.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

Nays: None

ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Spataro to create the special assessment district for the 2000 Sidewalk Program and appoint Commissioner Aslakson and Commissioner Spataro to the Board of Assessors.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Shepherd

Nays: None

ADOPTED

c. 2000-2004 CDBG/HOME Consolidated Plan. COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Review of the city's 2000-2004 Consolidated Plan.

The Public Hearing opened at 8:05 p.m. to hear and consider any comments from

the public. Michael Jenkins, 1291 Fifth Street commented on the need for the City to approve this item.

Motion by Commissioner Shepherd, second by Commissioner Aslakson to close the Public Hearing at 8:10 p.m. and delay approval of the Consolidated Plan.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Shepherd, Sieradzki

ADOPTED

d. Annual Renewal of Liquor License Establishments. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 31, 2000, they will be removed from this resolution and recommendation of their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the resolution.

The Public Hearing opened at 8:12 p.m. to hear and consider any comments from the public. No comments were heard from the public.

Motion by Commissioner Aslakson, second by Commissioner Benedict to close the Public Hearing at 8:13 p.m. and adopt the resolution.

ROLL VOTE: Ayes: Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

ADOPTED

COMMUNICATIONS:

a. Census 2000 Presentation.

Presentation was made to the Commission by Debi Zant, local Census Office Manager.

2000-33 UNFINISHED BUSINESS:

a. Alley Vacations in Alberts & Holthe Subdivision, Block 4. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the south half only of the north/south alley in Alberts & Holthe Subdivision, block 4, between Henry and Beidler Streets. This request is in response to ongoing issues with DJ's Pub, and is in conjunction with a use variance granted by the Zoning Board of Appeals at their February 8, 2000 meeting. (Postponed from February 22, 2000 meeting.)

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request for alley vacation. The Fire Marshal has stated that the alley must not be blocked off, due to fire access issues.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the south half only of the proposed alley with the condition that all City easement rights be retained.

Motion by Commissioner Benedict, second by Commissioner Spataro to deny the alley vacation.

ROLL VOTE: Ayes: Nielsen, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

Nays: None

ADOPTED

2000-34 NEW BUSINESS:

a. Clean Michigan Grant Applications. LEISURE SERVICES

SUMMARY OF REQUEST: To adopt a resolution approving submission of a grant application for Beachwood Park Development under the Michigan Department of Natural Resources Trust Fund and Clean Michigan Initiative.

FINANCIAL IMPACT: Beachwood Park \$400,000 grant - \$105,000 local match.

BUDGET ACTION REQUIRED: If awarded, money will need to be budgeted for in 2001.

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION: Leisure Services Board Recommends approval.

Motion by Commissioner Benedict, second by Commissioner Aslakson to authorize staff to submit the grant application.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

Nays: None

ADOPTED

b. Parking Fine/Impound Fee Adjustments. FINANCE

SUMMARY OF REQUEST: The Finance Division and Police Department have reviewed current parking fine and vehicle impoundment fee structures and recommend the following:

1. Parking Fines – Maintain parking fines at current levels but add a fourth incremental step for fines that remain unpaid after 30 days. Currently parking fines do not increase further after remaining unpaid for 14 days.
2. Boot Removal Fee – Implement a \$65 fee for removal of the "Denver Boot" (or alternate) vehicle immobilization device.

3. Impoundment Fees – Implement standard \$50 fee for all vehicle impounds requiring police department involvement.

FINANCIAL IMPACT: Additional revenues will be generated and parking ticket collection rate should improve by adding fourth step to parking fine structure.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of proposed recommendations, related ordinance amendments and fine/fee adjustments.

Motion by Commissioner Benedict, second by Commissioner Aslakson to approve the parking fine/impound fee adjustments.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Shepherd

Nays: Sieradzki

ADOPTED (Requires Second Reading)

c. Shoreline Drive Property Acquisition. CITY MANAGER

SUMMARY OF REQUEST: To adopt a resolution and Declaration of Taking for property owned by Muskegon Mall owner for the purpose of constructing Shoreline Drive.

FINANCIAL IMPACT: The City has offered \$59,000 for this property based on an appraisal. The purchase price will likely be determined by Circuit Court.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Resolution and Declaration of Taking.

Motion by Commissioner Shepherd, second by Vice Mayor Sieradzki to approve the resolution and declaration of taking.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Shepherd, Sieradzki

Nays: None

ADOPTED

d. CDBG/HOME 2000-2001 Recommendations. COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Review of proposals received this year from in-house departments and outside public services.

Motion by Commissioner Shepherd, second by Commissioner Aslakson to accept recommendations for 2000-2001 CDBG/HOME funding.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Shepherd, Sieradzki, Spataro

Nays: None

ADOPTED

e. Display of past Mayor's pictures. MAYOR

SUMMARY OF REQUEST: Direction from City Commission regarding changes to current display.

ITEM REMOVED BY THE CHAIR.

f. Shoreline Dr. East Consulting Agreement Amendment. ENGINEERING

SUMMARY OF REQUEST: To approve an amendment to the engineering agreement with Earth-Tech for Shoreline Drive East to include the additional cost of redesign a steel bridge over south bound Shoreline Drive. The original design called for pre-stressed concrete, however, due to the discovery of compressible soils in the vicinity of, a mutual decision between MDOT and the City that a change in structures was indeed necessary.

FINANCIAL IMPACT: The amendment will add \$100,000 to Earth-Tech's not to exceed cost, increasing the total allowed cost to \$510,280.50.

BUDGET ACTION REQUIRED: None. The additional cost, or most of it, will be funded by the State.

STAFF RECOMMENDATION: To amend the agreement.

Motion by Commissioner Shepherd, second by Commissioner Benedict to amend the agreement.

ROLL VOTE: Ayes: Nielsen, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

Nays: None

ADOPTED

ADJOURNMENT: The Regular Commission Meeting was adjourned at 9:00 p.m.

Respectfully Submitted

A handwritten signature in blue ink that reads "Gail A. Kunding".

Gail A. Kunding, CMC/AAE
City Clerk

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
2300 Henry Street, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Daniels Concessions, L.L.C. to transfer ownership of the existing 1995 Class C-SDM license from Amos Daniels to Jon Caughey. Previous approval of the transfer of location and dance permit was given September 28, 1999, with stipulations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C. N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

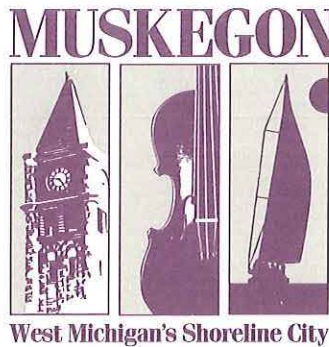
Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718



February 3, 2000

To: The City Commission through the City Manager

From:

Edward E. Griffin
Edward E. Griffin, Chief of Police

Re: Transfer of ownership for liquor license at 2300 Henry Street

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation concerning the request to transfer ownership of the existing 1995 Class C-SDM license. The license is currently in escrow.

Daniels Concessions, L.L.C. is requesting to transfer the license from OJP#2, INC.; its current location of 431 E. Laketon Avenue to 2300 Henry.

Our department has talked with Jon Caughey, W/M 6-28-46. Jon is the sole proprietor for Daniels Concessions, LLC. He has requested for transfer of ownership of license and is also requesting a new Dance Permit to have live/DJ music in the establishment at 2300 Henry.

We have searched our records and conducted a Criminal History Check and find no reason to deny this transfer.

EEG/cmw

MEMO

To: Chief Ed Griffin

CC: Det. Sgt. Dean Roesler

From: Det. Kurt Dykman

Date: 1-26-00

Re: Transfer of ownership for liquor license at 2300 Henry St, Muskegon, MI

Chief Griffin,

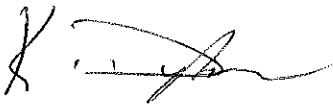
The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Daniels Concessions, L.L.C.

Daniels Concessions, L.L.C. is requesting to transfer ownership of the existing 1995 Class C-SDM license (in escrow) from OJP#2, INC.; transfer location from 431 E. Laketon Av, Muskegon, MI.

I have talked with Jon Caughey W/M 6-28-46. Jon is the sole proprietor for Daniels Concessions, LLC. He has requested for transfer of ownership of license and request a new Dance Permit to have live/DJ music in the establishment, 2300 Henry.

I have searched MPD records and conducted a Criminal History Check and find no reason to deny this transfer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Dykman', with a stylized flourish at the end.

Det. Kurt Dykman

data/common/caughey



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

7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

PI NUMBER: 980002615
REQ ID #13852

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

DANIELS CONCESSIONS, L.L.C.
APPLICANT/LICENSEE

231 755-3096
PHONE NUMBER

2300 Henry STREET ADDRESS
Muskegon CITY
Muskegon TOWNSHIP
Muskegon COUNTY
49841 ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☒ TOPLESS ACTIVITY ☐

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐
2. Describe the type of entertainment applicant/licensee will provide: N/A ☐ music, live Band, Dance
3. Will this entertainment include topless activity? YES ☐ NO ☒ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☒	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☒	N/A	☐

REMARKS

1-26-00

DATE SUBMITTED

K. Dylman
OFFICER'S SIGNATURE

Muskegon PD
DEPARTMENT NAME

231-724-6750
PHONE NUMBER

980 Jefferson
ADDRESS

Muskegon
CITY

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

J. J. H. *1-10-00*

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)

DANIELS CONCESSIONS, L.L.C., 2300 Henry, Muskegon, MI 49441, Muskegon County

REQUEST FOR: Transfer ownership of 1995 Class C-SDM licensed business (in escrow) from OJP#2, INC.; transfer location from 431 E. Laketon, Muskegon, MI 49442, Muskegon County; and request a new Dance Permit.

Section 1. NO FINGERPRINTS REQUIRED APPLICANT INFORMATION

APPLICANT #1:

Jon C. Caughey - Member

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

720 Glen Wood

Muskegon, MI 49445

H(231)744-1149/B(231)755-3096

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

6-28-46

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes☐ No

o Does the applicant have a Visa? Enter status:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

1-24-00

Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the 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 LicensedCan living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☒ No

Does applicant intend to have dancing or entertainment?

☐ No☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3. Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

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

Section 4. Recommendation

From your investigation:

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

☒ Yes☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes☐ No

3. Should this request be granted by the Commission?

☒ 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 (Sheriff or Chief of Police)

Date

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L. L. C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jon C. Caughey (replaces Amos Daniels as applicant's sole member)

Business Address: 2300 Henry *Ring Hall*
Muskegon, MI

Reason for Review: Please note that this request for Amos Daniels has been to the Commission on 9-28-99 but has not been sent to the State per their request due to violations.

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: February 1, 00

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

NCS Compliance ☐ Remaining Defects _____

Fire Department Compliance ☐ Remaining Defects _____

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L. L. C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jon C. Caughey (replaces Amos Daniels as applicant's sole member)

Business Address: 2300 Henry
Muskegon, MI

Reason for Review: Please note that this request for Amos Daniels has been to the Commission on 9-28-99 but has not been sent to the State per their request due to violations.

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: February 1, 00

Police Department **Approved** ☐ **Denied** ☐ **No Action Needed** ☐

Income Tax **Approved** ☒ **Owing** ☐ **Amount:** _____

Treasurer **Approved** ☐ **Owing** ☐ **Amount:** _____

Zoning **Approved** ☐ **Denied** ☐ **Pending ZBA** ☐

NCS **Compliance** ☐ **Remaining Defects** _____

Fire Department **Compliance** ☐ **Remaining Defects** _____

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L. L. C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jon C. Caughey (replaces Amos Daniels as applicant's sole member)

Business Address: 2300 Henry
Muskegon, MI

Reason for Review: Please note that this request for Amos Daniels has been to the Commission on 9-28-99 but has not been sent to the State per their request due to violations.

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: February 1, 00

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer *W. Smith 4/17/00* Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

NCS Compliance ☐ Remaining Defects _____

Fire Department Compliance ☐ Remaining Defects _____

Gail A. Kundinger, City Clerk
Liquor License Coordinator

Kundinger, Gail

From: Cameron, Mike
Sent: Wednesday, February 23, 2000 11:17 AM
To: Kundinger, Gail; Moore, Brenda
Subject: Daniel's Property on Henry

I was by the property today and it is looking very nice in the back where the problems were located. I feel it is ok to allow the transfer to proceed, Zoning issues are resolved.

Thanks for your help Gail.

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L. L. C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jon C. Caughey (replaces Amos Daniels as applicant's sole member)

Business Address: 2300 Henry
Muskegon, MI

Reason for Review: Please note that this request for Amos Daniels has been to the Commission on 9-28-99 but has not been sent to the State per their request due to violations.

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: February 1, 00

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☒ Pending ZBA ☐

NCS Compliance ☐ Remaining Defects 2-23-00 per Mike Cameron
51100 Unresolved Zoning Violations

Fire Department Compliance ☐ Remaining Defects _____

Gail A. Kunding, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L. L. C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jon C. Caughey (replaces Amos Daniels as applicant's sole member)

Business Address: 2300 Henry
Muskegon, MI

Reason for Review: Please note that this request for Amos Daniels has been to the Commission on 9-28-99 but has not been sent to the State per their request due to violations.

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: February 1, 00

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

NCS Compliance ☐

Remaining Defects Still have fire + building code issues. Can not utilize license until resolved.

Fire Department Compliance ☐

Remaining Defects _____

Both. NCS
Transfer of ownership may occur.
Robert B. Dabinski 1-18-00

Gail A. Kundering, City Clerk
Liquor License Coordinator

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Ref #980002615

Req ID#13852

Amemded (see below note)

Date: January 4, 2000

To: Muskegon City Commission
Attention Clerk - Gail Kunderinger
933 Terrace Street, PO Box 536
Muskegon, MI 499443-0536

Note: Amended to delete Amos Daniels as applicant's sole member and replace him with Jon C. Caughey as new sole member.

Applicant: DANIELS CONCESSIONS, L.L.C.

Home Address and Phone No:

Jon C. Caughey, 720 Glen Wood, Muskegon, MI 49445 H(231)744-1149/B(231)755-3096

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

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

sfs

Date: September 28, 1999
To: Honorable Mayor and City Commissioners
From: Gail A. Kunder, City Clerk
RE: Liquor License Transfer Request
2300 Henry, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 1995 Class-C SDM (now in escrow) from 431 E. Laketon to 2300 Henry Street and to obtain a new dance permit. Mr. Daniels intends on selling the business and license.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments recommended approval with the exception of Planning. There is an outstanding zoning issue.

COMMITTEE RECOMMENDATION: The Committee of the Whole will meet September 27, 1999, and discuss this request.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

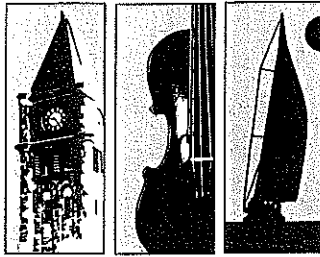
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

October 12, 1998

To: The City Commission through the City Manager

From: Edward E. Griffin
Edward E. Griffin, Chief of Police

Re: Daniels Concessions, transfer of ownership of 1997 Class-C SDM

The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 1995 Class-C SDM (now in escrow) from 431 E. Laketon to 2300 Henry Street and to obtain a new dance permit. Amos Daniels is the owner of Daniels Concessions located at 2300 Henry Street. Our department has spoken with Mr. Daniels in regards to this request and has obtained the following information.

Amos Lea Daniels has been the proprietor of Daniels Concessions for the past twenty-three years. The business located at 2300 Henry Street is a bingo hall with concessions. He intends to have a rental business for receptions/parties as well. The bingo hall used to be located in the former Outlets, Etc. Mall.

Our files have been searched and we have located some reports where Mr. Daniels has been the complainant in a larceny and an unauthorized dumping. He is listed as the owner on a couple of reports of alarm activations. A Michigan CCH shows no convictions.

I recommend that this request for transfer of ownership be approved.

EEG/cmw

S.H.
8-17-98

Michigan Department of Consumer & Industry Services

LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1(4)]

To: Muskegon Police Department
Chief of Police
PO Box 536
Muskegon, MI 49443-0536

Date: August 12, 1998
REF#: 980002615

Chief Law Enforcement Officer

Applicant:

DANIELS CONCESSIONS, L.L.C. requests to **transfer ownership** of 1995 Class C-SDM licensed business, located in **escrow** at 431 E. Laketon, Muskegon, MI 49442, Muskegon County, from OJP#2, INC.; **transfer location** to ~~1980~~²²⁰⁰ Henry, Muskegon, MI 49441, Muskegon County; **and request a new Dance Permit.**

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

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

Please include fingerprint cards and \$15.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 6/92
4880-1658

sfs

FRI. 8-28-98 12:30pm

Clerk's office

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L.L.C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Amos Daniels, 785 Browne St., Norton Shores

Business Address: 2300 Henry
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: October 6, 1998 9-21-99

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☒ Pending ZBA ☐

Out standing zoning issues need to be resolved.

NCS Compliance ☐ Remaining Defects _____

Fire Department Compliance ☐ Remaining Defects _____

Signature

Brenda Moore

Gail A. Kunderger, City Clerk
Liquor License Coordinator

MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

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

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

the following resolution was offered:

Moved by _____ and supported by _____

That the request from DANIELS CONCESSIONS, L.L.C. to transfer ownership of 1995 Class C licensed business, located in escrow at 431 E. Laketon, Muskegon, MI 49442, Muskegon County, from OJP#2, INC.; transfer location to ~~1980~~ ²³⁰⁰ Henry, Muskegon, MI 49441, Muskegon County; and request a new Dance Permit.

be considered for _____
(Approval or Disapproval)

Approval

Disapproval

Yeas: _____ Yeas: _____

Nays: _____ Nays: _____

Absent: _____ Absent: _____

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

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)
County of _____) SS

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

_____ at a _____
(Regular or Special)

meeting held on the _____
(Date)

SEAL

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

(Address of Township, City or Village Board)

LIQUOR LICENSE REVIEW FORM

Business Name: Daniels Concessions, L.L.C.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Amos Daniels, 785 Browne St., Norton Shores

Business Address: 2300 Henry
Muskegon, MI

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: October 6, 1998 9-21-99

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

NCS Compliance ☒ Remaining Defects _____

Fire Department Compliance ☐ Remaining Defects _____

Signature

Gail A. Kundinger

Gail A. Kundinger, City Clerk
Liquor License Coordinator

ROLL VOTE: Ayes: Benedict, Nielsen, Pleimling, Shepherd
Nays: Sieradzki, Aslakson, Michalski

ADOPTED

b. Roberts Street, Sherman Blvd. To Barney Avenue.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Roberts Street, Sherman to Barney, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$45,760.56 will be spread against the ten (10) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

COMMITTEE RECOMMENDATION: No action was taken on this item.

The Public Hearing opened at 6:34 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer gave an overview. No comments were heard.

Motion by Commissioner Aslakson, second by Commissioner Sieradzki to close the Public Hearing at 6:37 p.m. and to spread the special assessment for Roberts Street, Sherman to Barney and to adopt the resolution confirming the special assessment roll.

ROLL VOTE: Ayes: Aslakson, Benedict, Michalski, Nielsen, Pleimling, Shepherd,
Sieradzki
Nays: None

ADOPTED

99.090 NEW BUSINESS:

a. Liquor License Transfer Request – 2300 Henry Street.
CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 1995 Class C SDM (now in escrow) from 431 E. Laketon to 2300 Henry Street and to obtain a new dance permit. Mr. Daniels intends on selling the business and license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments recommended approval with the exception of Planning. There is an outstanding zoning issue.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval of the request. (Vote 5-1)

Motion by Commissioner Michalski, second by Commissioner Sieradzki to approve the transfer of ownership of the existing 1995 Class C SDM from 431 E. Laketon to 2300 Henry Street and to obtain a new dance permit with the stipulation that the outstanding zoning issues are taken care of.

ROLL VOTE: Ayes: Michalski, Nielsen, Pleimling, Shepherd, Sieradzki, Benedict

Nays: Aslakson

ADOPTED

b. City Wide Sidewalk Program.

ENGINEERING

SUMMARY OF REQUEST: That the City Commission consider holding off on the Sidewalk Program implementation for a one (1) year period, starting with the 2000 program. The requested time will allow the staff to re-evaluate past procedures, methods and ways to improve upon this program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Hold-off on the sidewalk program until the 2001 program.

COMMITTEE RECOMMENDATION: Committee of the Whole's vote to concur with staff was 3 - 3 split. No recommendation was forwarded to City Commission.

Motion by Commissioner Aslakson, second by Commissioner Michalski to approve staff's recommendation to hold off on the sidewalk program until the 2001 program.

ROLL VOTE: Ayes: Sieradzki, Aslakson, Michalski

Nays: Nielsen, Pleimling, Shepherd, Benedict

FAILS

c. Rezoning Request for southwest corner of Lakeshore Dr. and McCracken.

PLANNING

SUMMARY OF REQUEST: Request to rezone a parcel of land on the southwest corner of Lakeshore Dr. and McCracken from R-1, Single Family Residential to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The Planning Commission recommended denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval of the request to rezone from R-1 to B-2. (Vote 4 - 2)

Janet Parker, 2104 Harrison is in opposition, Liz Parker, 1387 Montgomery is in opposition. Douglas Freye, 2156 Harrison is in opposition. Dr. Ray Hilt, 1627 Jefferson is in opposition. Steve Thorstein, 1411 Creek Dr. Apt C is in support.

Kundinger, Gail

From: Cameron, Mike
Sent: Wednesday, February 16, 2000 2:55 PM
To: Moore, Brenda; Kundinger, Gail
Subject: RE: Amos

The condition of the bingo hall property on Henry street has not changed since my last inspection and all Brenda's concerns regarding trash, debris, old furniture etc. scattered on the property directly behind the building were still there I have not re-inspected since December when I met Amos Daniel's attorney on site and showed the problems to him.

Also the dumpster in back of the building was supposed to be behind a screen as a result of a court settlement, it was not as of my last inspection.

-----Original Message-----

From: Moore, Brenda
Sent: Wednesday, February 16, 2000 11:10 AM
To: Cameron, Mike
Subject: Amos

Amos wants to transfer his liquor license--its on the agenda again. Could you please let the Clerk's office know what the outstanding violations are?

Thanks.

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

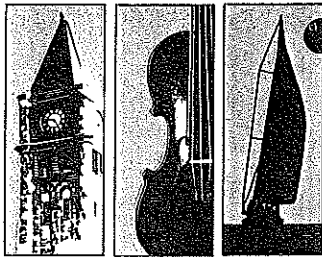
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

March 8, 2000

Ms. Ann Smith, President
Campbell Field Neighborhood Association
1874 Crowley
Muskegon, MI 49441

Dear Ms. Smith:

A request has been received from Mr. Jon Caughey to transfer ownership of a 1995 Class C-SDM license from 431 E Laketon to 2300 Henry. A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. A SDM license permits the sale of beer and wine for consumption off the premises only. He is also requesting a new dance permit. On Tuesday, March 14, 2000, 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 March 14, 2000, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

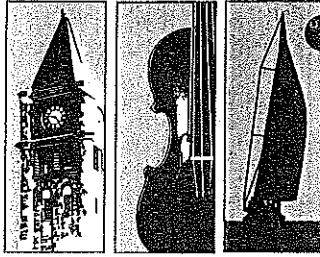
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

March 8, 2000

Mr. Jon Caughey
720 Glen Wood
Muskegon, MI 49445

Dear Mr. Caughey

This letter is to inform you that your request to transfer ownership of a 1995 Class C-SDM License from 431 E Laketon to 2300 Henry will be presented to the City Commission on March 14, 2000. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Campbell 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.

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

J. H.
1-10-00

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

RESOLUTION

REQ ID # 13852

At a Regular 2000-30(b) meeting of the City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Nielsen on March 14, 2000 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Vice Mayor Sieradzki

That the request from DANIELS CONCESSIONS, L.L.C. to transfer ownership of 1995 Class C licensed business, located in escrow at 431 E. Laketon, Muskegon, MI 49442, Muskegon County, from OJP#2, INC.; transfer location to 2300 Henry, Muskegon, MI 49441, Muskegon County; and request a new Dance Permit.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 6

Yeas:

Nays: 0

Nays:

Absent: 1

Absent:

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan)

§

County of Muskegon)

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

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

meeting held on March 14, 2000.
(Date)

SEAL

(Signed) Linda S. Potter
(Township, City or Village Clerk)
Linda S. Potter, Deputy Clerk
933 Terrace, PO Box 536
(Mailing address of Township, City or Village)
Muskegon, MI 49443-0536

NDER: COMPLETE THIS SECTION

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

Article Addressed to:
*Liquor Control Commission
150 Harris
PO Box 30005
Lansing, MI 48909-7505*

Article Number (Copy from service label)
100 0520 0013 9675 9402

Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)
GARY SCHUELLER

B. Date of Delivery

C. Signature
Gary Schueller

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
YES

☐ Yes
☐ No

E. If YES, enter delivery address below:

3. Service Type

☒ Certified Mail
☐ Registered
☐ Insured Mail

☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

MAR 17 2000

POST OFFICE BOX 30026
LANSING, MICHIGAN 48900

FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

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

REF: #980002615
2300 Henry
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the resolution, police inspection report (LC-1800), and the local law enforcement agency report for the request from Daniels Concessions L.L.C. to transfer ownership of 1995 Class C licensed business located in escrow at 431 E. Laketon, Muskegon, MI.

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

Sincerely,
Linda Potter
Linda Potter
Deputy Clerk

Enc.

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Morton, Torrent to Bourdon

SUMMARY OF REQUEST:

The contract to construct Morton between Torrent and Bourdon be awarded to Jackson Merkey Contractors, Inc. since they were the lowest, see bid tabulation, responsible bidder with a bid price of \$98,771.20.

FINANCIAL IMPACT:

The construction cost of \$98,771.20 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None, the project was budgeted for at \$140,000 out the Local Street Fund.

STAFF RECOMMENDATION:

Award the contract to Jackson Merkey Contractors, Inc.

COMMITTEE RECOMMENDATION:

BID TABULATION FOR H-1218 MORTON AVE. TORRENT ST. to BOURDON ST.

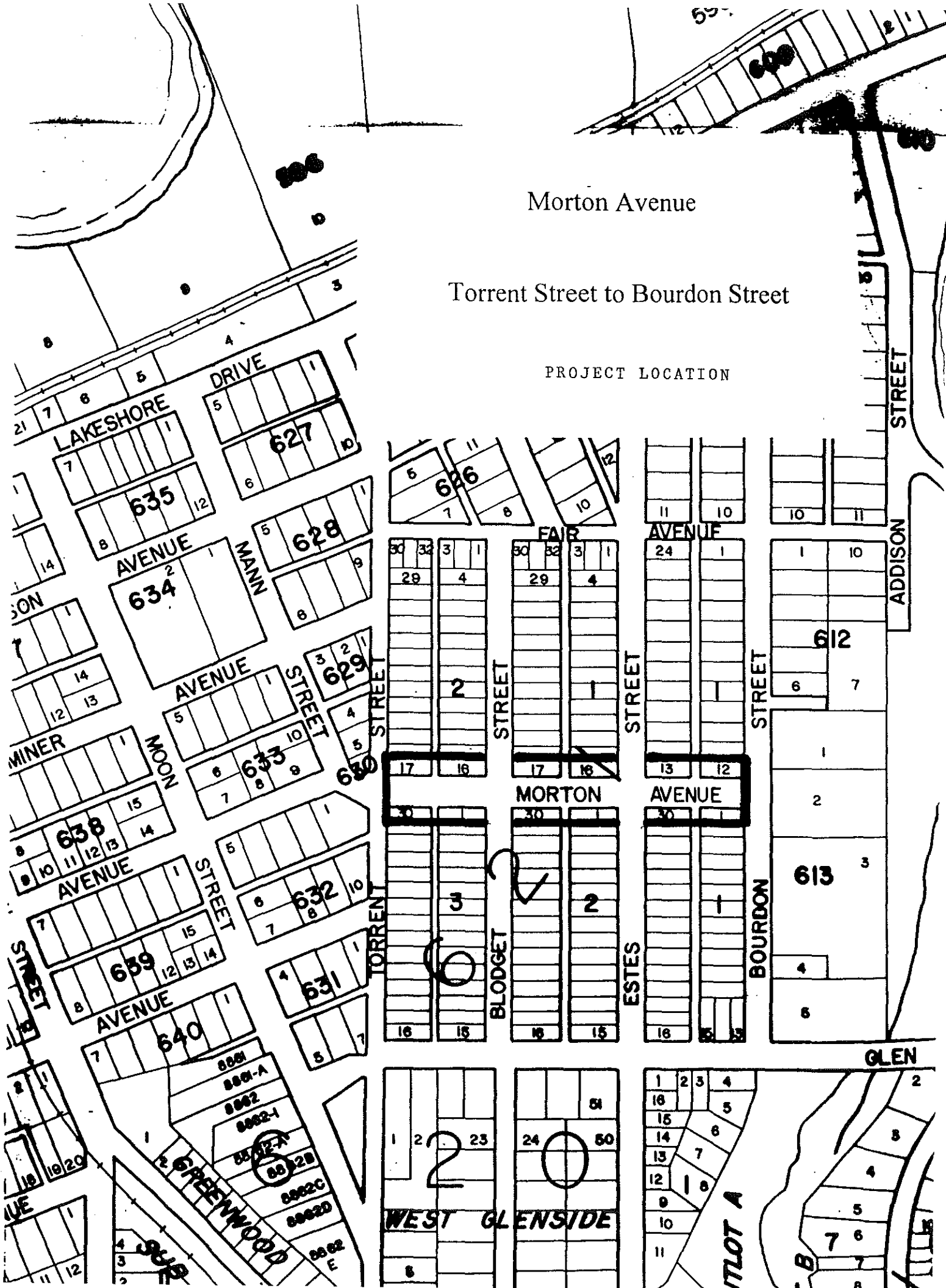
7-Mar-00

				ENGINEERS ESTIMATE		PRINCE BRIDGE & MARINE		FELCO		KAMMINGA & ROODVOETS		OPPIE & SONS EXCAVATING		JACKSON-MERKEY	
	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE
1	ADJUST MANHOLE CASTING	3	EACH	\$400.00	\$1,200.00	\$250.00	\$750.00	\$325.00	\$975.00	\$300.00	\$900.00	\$230.00	\$690.00	\$395.00	\$1,185.00
2	AGG. BASE COURSE, 22A, AS NEEDED	15	TON	\$15.00	\$225.00	\$25.00	\$375.00	\$18.00	\$270.00	\$12.00	\$180.00	\$14.30	\$214.50	\$22.00	\$330.00
3	AGG. BASE COURSE, 22A, 6" C.I.P.	2231	SQ. YD.	\$5.00	\$11,155.00	\$10.00	\$22,310.00	\$5.75	\$12,828.25	\$4.75	\$10,597.25	\$5.28	\$11,779.68	\$6.45	\$14,389.95
4	BIT. LEVELING MIX 3B @ 165#/S.Y.	196	TON	\$60.00	\$11,760.00	\$42.18	\$8,267.28	\$48.00	\$9,408.00	\$53.00	\$10,388.00	\$44.00	\$8,624.00	\$42.20	\$8,271.20
5	BIT. TOP MIX 4C @ 165#/S.Y.	196	TON	\$65.00	\$12,740.00	\$47.53	\$9,315.88	\$54.00	\$10,584.00	\$60.00	\$11,760.00	\$49.00	\$9,604.00	\$47.55	\$9,319.80
6	C.B. CASTING E.J.#7045 OR EQUAL	6	EACH	\$400.00	\$2,400.00	\$350.00	\$2,100.00	\$420.00	\$2,520.00	\$600.00	\$3,600.00	\$495.00	\$2,970.00	\$490.00	\$2,940.00
7	CATCH BASIN 2' I.D.	2	EACH	\$1,000.00	\$2,000.00	\$850.00	\$1,700.00	\$1,600.00	\$3,200.00	\$1,000.00	\$2,000.00	\$900.00	\$1,800.00	\$1,170.00	\$2,340.00
8	CATCH BASIN STD.	4	EACH	\$1,500.00	\$6,000.00	\$1,300.00	\$5,200.00	\$1,900.00	\$7,600.00	\$1,250.00	\$5,000.00	\$900.00	\$3,600.00	\$1,345.00	\$5,380.00
9	CONC. CURB & GUTTER STD.	1599	LIN. FT.	\$10.00	\$15,990.00	\$9.85	\$14,151.15	\$10.95	\$17,509.05	\$10.00	\$15,990.00	\$12.80	\$20,467.20	\$9.35	\$14,950.65
10	CONC. DRIVE APP. STD. 6"	450	SQ. YD.	\$25.00	\$11,250.00	\$26.45	\$11,902.50	\$31.00	\$13,950.00	\$36.00	\$16,200.00	\$36.50	\$16,425.00	\$26.45	\$11,902.50
11	CONC. SIDEWALK 4"	641	SQ. FT.	\$2.50	\$1,602.50	\$2.45	\$1,570.45	\$3.80	\$2,435.80	\$3.00	\$1,923.00	\$4.50	\$2,884.50	\$2.45	\$1,570.45
12	CONC. SIDEWALK 6"	400	SQ. FT.	\$3.50	\$1,400.00	\$3.10	\$1,240.00	\$5.00	\$2,000.00	\$4.00	\$1,600.00	\$5.50	\$2,200.00	\$3.10	\$1,240.00
13	EXCAVATION	756	CU. YD.	\$12.00	\$9,072.00	\$8.00	\$6,048.00	\$13.00	\$9,828.00	\$8.00	\$6,048.00	\$7.28	\$5,503.68	\$12.45	\$9,412.20
14	MAN HOLE CASTING E.J.#1000 OR EQUAL	4	EACH	\$425.00	\$1,700.00	\$350.00	\$1,400.00	\$400.00	\$1,600.00	\$400.00	\$1,600.00	\$295.00	\$1,180.00	\$440.00	\$1,760.00
15	MAN HOLE STD. 0' - 10' DEEP 4' I.D.	1	EACH	\$1,600.00	\$1,600.00	\$1,350.00	\$1,350.00	\$1,900.00	\$1,900.00	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$1,375.00	\$1,375.00
16	REMOVING BIT. SURFACE	177	SQ. YD.	\$8.00	\$1,416.00	\$8.00	\$1,416.00	\$4.90	\$867.30	\$5.00	\$885.00	\$2.28	\$403.56	\$4.80	\$849.60
17	REMOVING CONC. CURB	83	LIN. FT.	\$10.00	\$830.00	\$12.00	\$996.00	\$10.00	\$830.00	\$10.00	\$830.00	\$1.10	\$91.30	\$7.50	\$622.50
18	REMOVING CONC. CURB & GUTTER	8	LIN. FT.	\$10.00	\$80.00	\$12.00	\$96.00	\$15.00	\$120.00	\$10.00	\$80.00	\$1.10	\$8.80	\$9.50	\$76.00
19	REMOVING CONC. DRIVE APP.	25	SQ. YD.	\$12.00	\$300.00	\$15.00	\$375.00	\$14.00	\$350.00	\$10.00	\$250.00	\$10.00	\$250.00	\$20.00	\$500.00
20	REMOVING CONC. SIDEWALK	656	SQ. FT.	\$1.50	\$984.00	\$7.00	\$4,592.00	\$10.00	\$6,560.00	\$1.00	\$656.00	\$1.00	\$656.00	\$1.20	\$787.20
21	STORM SEWER 10" D.C.I. CL. 52	64	LIN. FT.	\$35.00	\$2,240.00	\$30.00	\$1,920.00	\$24.00	\$1,536.00	\$80.00	\$5,120.00	\$15.00	\$960.00	\$32.00	\$2,048.00
22	STORM SEWER 12" C75 CL. III	117	LIN. FT.	\$28.00	\$3,276.00	\$34.00	\$3,978.00	\$25.00	\$2,925.00	\$60.00	\$7,020.00	\$14.00	\$1,638.00	\$25.75	\$3,012.75
23	TERRACE GRADING	867	LIN. FT.	\$8.00	\$6,936.00	\$9.00	\$7,803.00	\$11.00	\$9,537.00	\$20.00	\$17,340.00	\$20.25	\$17,556.75	\$5.20	\$4,508.40
	TOTAL				\$106,156.50		\$108,856.26		\$119,333.40		\$121,967.25		\$111,006.97		\$98,771.20

Morton Avenue

Torrent Street to Bourdon Street

PROJECT LOCATION



Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Elevated Water Tank (Harvey & Laketon)

SUMMARY OF REQUEST:

The contract to repaint the elevated tank on the northeast corner of Laketon and Harvey be awarded to Thomas Industrial since they were the lowest, see bid tabulation, responsible bidder with a bid price of \$103,076.00

FINANCIAL IMPACT:

The construction cost of \$103,076 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None, the project was budgeted at \$130,000.

STAFF RECOMMENDATION:

Award the contract to Thomas Industrial Coating5

COMMITTEE RECOMMENDATION:



DIXON

ENGINEERING AND
INSPECTION SERVICES
FOR THE COATING INDUSTRY

1104 Third Avenue
Lake Odessa, MI 48849
Fax 1-616-374/7116
Telephone 1-616-374/3221

March 2, 2000

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

Attn: Mr. Mohammed S. Al-Shatel, P.E., City Engineer

Subject: 500,000 Gallon Elevated Water Storage Tank Repainting
Recommendation for Award

Dear Mohammed:

Dixon Engineering has reviewed the bids submitted for the project and recommends award to the low bidder, Thomas Industrial Coatings, in the amount of \$103,076. This is below our estimate of \$110,000. Thomas Industrial Coatings is a prequalified contractor with Dixon. The bid price is approximately \$7,000 more than for the 500,000 gallon bid awarded for repainting the Muskegon Township Fruitport tank. The actual price difference should actually have been more since a legged tank has approximately 50% more surface area to paint than the spheroidal style Fruitport tank. However, the Fruitport project requires partial containment to be rigged because of tight site conditions, and this ended up making the two projects roughly equal in cost.

Enclosed find three copies of the Notice of Award. After review and approval, please sign and forward all copies to the contractor for signature. The contractor is to return one signed copy to City, forward a copy to our office, and retain a copy for his files. Also, please remind the contractor he then has ten days to forward to our office the required bonds and certificate(s) of insurance for inclusion in the Contract Documents.

If you have any questions, please give me a call at (616) 374-3221, Ext. 303.

FOR DIXON ENGINEERING, INC.,

Ira M. Gabin, P.E.

cc: Thomas Industrial Coatings

Members: Steel Structures Painting Council
American Water Works Association
Consulting Engineers Council

MUSKEGON BID TAB - DIVISION 09870							
Contractor	Exterior Repaint (1)	Spot Interior Repaint (2)	Pit Piping (3)	Total Division 09870	Antennas & Cables	Total Both Divisions	Bid Bond
L C United Ptg. Sterling Hts., MI	108,000	14,500	3,000	125,500	2,000	134,000	5%
TMI Coatings St. Paul, MN	74,000	39,000	3,500	116,500	4,000	124,200	5%
G&M Painting Riverview, MI	69,900	11,000	6,000	86,900	2,000	109,000	5%
Thomas Ind. Ct. Pevely, MO	65,660	29,816	3,300	98,776	0	103,076	5%
Kountoupes Ptg. Lincoln Pk., MI	105,000	20,000	5,000	130,000	0	135,000	5%

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
2000, 2001 & 2002 Material Testing

SUMMARY OF REQUEST:

To enter into a three years material testing contract with Soils and Structures. Soils and Structures were the lowest responsible bidder with an estimated (will depend on the number of samples) annual bid of \$8,479.40. Under this three years (2000, 2001 & 2002) contract, Soils & Structures will provide us with all Soil borings, asphalt and concrete testing and pavement cores.

FINANCIAL IMPACT:

The annual testing cost of \$8,479.40

BUDGET ACTION REQUIRED:

None, the cost will be charged to specific construction projects.

STAFF RECOMMENDATION:

Award the contract to Soils and Structures.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
2000 CONSTRUCTION MATERIALS TESTING
BID OPPENING: FEBRUARY 29, 2000

ITEM	UNITS	SOILS & STRUCTURES		MIDWEST ENGINEERING		DRIESENKA		MTC	
		\$ / TEST	\$ EXTENDED	\$ / TEST	\$ EXTENDED	\$ / TEST	\$ EXTENDED	\$ / TEST	\$ EXTENDED
CONCRETE CYL. TEST.	80	9.85	788.00	15.00	1,200.00	11.50	920.00	18.00	1,440.00
ASPHALT TEST	30	98.00	2,940.00	140.00	4,200.00	120.00	3,600.00	150.00	4,500.00
SOIL BOING			-		-		-		-
MOB	6	85.00	510.00	800.00	4,800.00	500.00	3,000.00	250.00	1,500.00
100' @ASTM 1452	100	6.25	625.00	17.00	1,700.00	8.00	800.00	18.00	1,800.00
100' @ASTM 1586	100	9.25	925.00	17.00	1,700.00	10.00	1,000.00	24.00	2,400.00
4" PAVE. CORE	1	50.00	50.00	150.00	150.00	30.00	30.00	60.00	60.00
PLANT INSPECTIONS	6	185.00	1,110.00	230.00	1,380.00	250.00	1,500.00	250.00	1,500.00
ASTM 136	20	75.00	1,500.00	105.00	2,100.00	100.00	2,000.00	140.00	2,800.00
MISCELLANEOUS			-		-		-		-
/ MILE	1	0.40	0.40	0.40	0.40	0.35	0.35	0.40	0.40
TECH / HOUR	1	26.00	26.00	27.00	27.00	30.00	30.00	35.00	35.00
DENSITY /HOUR	1	5.00	5.00	NC	NC	NC	NC	5.00	5.00
		TOTAL \$ 8,479.40		TOTAL \$17,257.40		TOTAL \$ 12,880.35		TOTAL \$ 16,040.40	

ITEM	UNITS	1998/1999 SOILS & STRUCTURES	
		\$ / TEST	\$ EXTENDED
CONCRETE CYL. TEST.	80	8.25	660
ASPHALT TEST	30	84.25	2527.5
SOIL BOING			
MOB	6	40	240
100' @ASTM 1452	100	5.75	575
100' @ASTM 1586	100	8.9	890
4" PAVE. CORE	1	35	35
PLANT INSPECTIONS	6	169	1014
ASTM 136	20	61.25	1225
MISCELLANEOUS			
/ MILE	1	0.29	0.29
TECH / HOUR	1	23.5	23.5
DENSITY /HOUR	1	3	3
		TOTAL \$ 7,193.29	

AGREEMENT FOR SERVICES OR CONSTRUCTION
Small and Limited Projects

THIS IS AN AGREEMENT between the CITY OF MUSKEGON ("City"), 933 Terrace Street, Muskegon, Michigan, and Soils & Structures, Inc. ("Contractor"), of 6480 Grand Haven Rd., Muskegon, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or through December 2002.

Price

Contractor will perform as set forth above for the complete contract price of \$ 8,479.40 per year. Fees are based on test performed according to the attached Bid Proposal.

Conditions and Covenants

Contractor will comply with all laws, rules and regulations of the City, and any other local government of the State of Michigan and the United States Government. Contractor will supply insurance as required by separate written document (attached), naming the City as an additional insured, if appropriate, and shall carry such additional insurance coverage's as are required by the City. Contractor shall hold the City harmless against any and all claims for damages or costs made against the City arising from Contractor's performance, including all costs of defense, attorneys' fees, expenses and the amount of any damage determined against the City.

Contractor certifies that it is eligible for performance of government work and has not been cited or listed for failure to comply with Wage and Hour or prevailing wage regulations of the State of Michigan or the Federal Government.

Termination and Cancellation

This contract may be terminated for failure to perform in accordance herewith, and Contractor shall be liable for normal contractual remedies available to the City. In the event liquidated damages for nonperformance are agreed to, the following amounts constitute liquidated damages:

\$ Not Applicable per day of nonperformance.

Nondiscrimination Compliance

Contractor agrees to comply with all nondiscrimination laws, rules and regulations and policies of the City, State and Federal Governments including, but not limited to, the provisions of Executive Order 11246, Affirmative Action Requirements for Disabled Veterans and Veterans of the Viet Nam Era and for Handicapped Workers. If required by the City and appropriate for the services in this contract,

Contractor shall comply with City oversight procedures. The provisions of all said policies, rules, executive orders and laws regarding nondiscrimination and affirmative action are available from the City by contacting the Affirmative Action Director of the City, City Hall, 933 Terrace Street, Muskegon, Michigan, telephone 724-6703. The City may supply a copy with this contract in its discretion.

The parties agree to performance of this contract by signing below. The effective date of this agreement is _____.

Witnesses:

Chip A. Tice
Mary Kamm

Contractor:

By David W. Hohmeyer
4-5-00
Mr. David W. Hohmeyer, P.E., (date)

Witnesses:

Dail Kundinger
Linda Potter

CITY OF MUSKEGON

By Fred G. Nielsen
Mayor Fred Nielsen, (date)

Contract Between The City of Muskegon

And

Soils & Structures, Inc.

STATEMENT OF WORK

Work shall be performed in accordance with attached proposal.

Contractor will provide insurance per attachment.

Initials:

Contractor: _____

City: _____
(staff member)

Contract for service and construction for small and limited projects. This form would generally be used for projects under \$8,000.00, informally bid or solicited, where no performance bond is being required. Generally such projects will involve repair and maintenance, one-time services.

**PROPOSAL
CITY OF MUSKEGON
CONSTRUCTION MATERIALS TESTING
YEAR 2000**

I, DAVID W. HOHMEYER, P.E. of SOILS & STRUCTURES INC.

County of MUSKEGON, State of MICHIGAN, Zip 49441,

do hereby submit the following quotes for the 2000 Construction Materials Testing program to the City of Muskegon Engineering Department (ITEMS A THROUGH F),

A. CONCRETE CYLINDER TESTING

1. Pick up samples at Muskegon City Hall, transport, cure, break, and furnish a complete test report including a pass or fail narrative conclusion. Two (2) testing are necessary.

80 Units @ \$ 9.85 each.

B. ASPHALT TESTS

1. Pick up samples at Muskegon City Hall, transport and furnish a complete test report including a pass or fail narrative on asphalt content and retained extracted aggregate.

30 Units @ \$ 98.00 each.

C. SOIL BORING & PAVEMENT CORE

1. Conduct a soil boring as directed and complete results report with boring logs. This work shall include providing, installing, and maintaining for the duration of the sampling a traffic control setup in accordance with MUTCD and also arrangement with MISS DIG at no additional cost to the City of Muskegon.

6 projects mobilizations @ \$ 85.00 each.

100' boring depth @ \$ 6.25 foot (according to ASTM D 1452).

100' boring depth @ \$ 9.25 foot (according to ASTM D 1586).

4" diameter pavement core @ \$ 50.00 each.

D. BITUMINOUS & AGGREGATE PLANT INSPECTOR

1. Provide the City with a Level II plant inspector to analyze materials according to MDOT requirements and complete result report.

6 Bituminous samples @ \$ 185.00 each.

Plants within a 30 miles radius of City Hall.

The date for sample collection may/may not be conducted on the same date or at the same location.

E. MECHANICAL ANALYSIS

1. Pick up samples and perform a complete Sieve analysis of fine and course aggregates in accordance with ASTM C 136 and provide the City with a narrative report indicating whether the sample meets or not the specifications.

20 Samples @ \$ 75.00 each.

Samples within 30 miles radius of City Hall.

F. MISCELLANEOUS

Cost per mile if out side the 30 mile radius @ \$0.40

Cost per hour for a technician to perform a density/field Marshall @ \$26.00

Cost per hour for Density gauge @ \$5.00

Submitted By:

David W. Hohmeyer

Dated:

2-16-00

21. INSURANCE AND INDEMNITY

- a. **Hold Harmless Agreements.** To the fullest extent permitted by law, Contractor and Subcontractors agree to defend, pay in behalf of, indemnify, and hold harmless the CITY, their elected and appointed officials, employees, volunteers, and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY and their elected and appointed officials, employees, volunteers, or others working on behalf of the CITY by reason of personal injury, including bodily injury and death, property damage, including loss of use thereof, and/or the effects of or release of toxic and/or hazardous material which arises out of or is any way connected or associated with this contract. The obligation to defend and hold harmless extends to Contractor's employees, agents, subcontractors, assigns and successors.
- b. **Contractor Insurance Requirement.** Contractor and Subcontractors shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to CITY.
- c. **Workers' Compensation Insurance.** The Contractor and Subcontractor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.
- d. **Commercial General Liability Insurance.** The Contractor shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit. Personal Injury, Bodily Injury and Property Damage coverages shall be included. Coverage shall also include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form Liability Extensions or equivalent; (E) Deletion of all explosion, collapse and underground (SCU) exclusions, if applicable. The said insurance shall cover liability caused by the activities of any subcontractor.
- e. **Motor Vehicle Liability.** The Contractor shall procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability for third party claims of not less than \$1,000,000 per occurrence or combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. The said insurance shall cover liability caused by the activities of any subcontractor.
- f. **Additional Insured.** Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds" using the following language: "The CITY and all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are hereby added as 'Additional Insureds'".
- g. **Cancellation Notice.** Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that

21. INSURANCE AND INDEMNITY - continued

- b. Contractor Insurance Requirement. Contractor and Subcontractors shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to CITY.
- c. Workers' Compensation Insurance. The Contractor and Subcontractor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.
- d. Commercial General Liability Insurance. The Contractor shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$500,000 per occurrence and/or aggregate combined single limit. Personal Injury, Bodily Injury and Property Damage coverages shall be included. Coverage shall also include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form Liability Extensions or equivalent; (E) Deletion of all explosion, collapse and underground (SCU) exclusions, if applicable. The said insurance shall cover liability caused by the activities of any subcontractor.
- e. Motor Vehicle Liability. The Contractor shall procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability for third party claims of not less than \$500,000 per occurrence or combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. The said insurance shall cover liability caused by the activities of any subcontractor.
- f. Additional Insured. Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds" using the following language: "The CITY, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are hereby added as 'Additional Insureds'".
- g. Cancellation Notice. Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON ENGINEERING DEPARTMENT".

21. INSURANCE AND INDEMNITY - continued

- h. Owner's and Contractor's Protective Liability. The Contractor shall procure and maintain during the life of this contract Owner's and Contractor's Protective Liability with limits of liability not less than \$ 500,000 per occurrence and/or aggregate, combined single limit. Personal injury, Bodily injury and Property Damage coverages shall be included. The CITY shall be "Named Insured" on this coverage. Thirty (30) days notice of cancellation to the City shall be required. Said insurance shall cover liability caused by the activities of any subcontractor(s) either by means of a rider attached to the Prime Contractor's Certificate of Insurance indicating this coverage for subcontractors; or the subcontractor(s) shall submit their own Certificate of Insurance.
- i. Proof of Insurance Coverage. The Contractor and Subcontractors shall provide the CITY at the time the contracts are returned by him for execution, certificates and policies endorsing the City as additional insured as listed below:
 - (1.) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - (2.) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - (3.) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - (4.) Original Policy, or original Binder pending issuance of policy, for Owner's and Contractor's Protective Liability Insurance;
 - (5.) If so requested, Certified Copies of all policies mentioned above will be furnished.
- j. If any of the above coverages expire during the term of this contract, the Contractor and Subcontractors shall deliver renewal certificates and/or policies to CITY at least ten (10) days prior to the expiration date.

22. MATERIALS AND WORKMANSHIP

- a. Unless otherwise specifically provided for in the Technical or Special Specifications, all workmanship, equipment, materials and articles incorporated in the work shall be new and the best grade of the respective kinds for the purpose. Where equipment, materials, articles or workmanship are referred to as "equal to" any particular standard, the City will decide the question of equality.
- b. The City of Muskegon may require the Contractor to dismiss from this Project such employee(s) as the City may deem incompetent, careless, and/or insubordinate.

Date: March 6, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Leave a Legacy Program

SUMMARY OF REQUEST:

To authorize staff to become a part of the Leave a Legacy program, a public relations campaign to generate dollars for programs and projects.

FINANCIAL IMPACT:

\$100

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

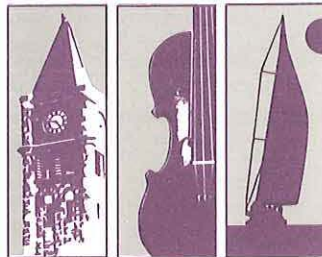
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: March 6, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: Leave a Legacy Program

The Western Michigan Planned Giving Group is sponsoring a major public relations campaign in June called Leave A Legacy. The intent is to increase charitable giving. I am recommending that the Department of Leisure Services become a part of this campaign. Attached is some information on the program.

My intent would be to work through the Parks Fund with the Community Foundation for Muskegon County.

I would ask for your authorization to proceed with becoming a partner in this program.

Thank you for your consideration.

Leave A Legacy West Michigan Nonprofit Participation Partnership Agreement

Are you looking for new ways to stabilize your organization's financial base and ensure its future? The Western Michigan Planned Giving Group is leading the Leave A Legacy West Michigan Program. This program will give member organizations an extraordinary opportunity to encourage donors, volunteers and friends to remember their favorite charitable organizations (including yours) in their wills and estate plans. This multi-faceted program will reach West Michiganders from all walks of life with one core message – creating a personal legacy.

We all know that marketing is a major challenge in any nonprofit organization's fund-raising efforts. We have designed the program so that you can tailor the Leave A Legacy message, giving your friends and supporters the information and encouragement they need to make an estate gift to your organization. So, how can your organization be a part of this exciting initiative?

It's simple! Return the attached Partnership Agreement Form as soon as possible, and indicate the activities you agree to undertake to promote Leave A Legacy West Michigan.

We estimate this program will reach nearly a million West Michiganders and could result in nearly 500 estate gifts. National statistics indicate that the average bequest is \$65,000, so this program could potentially create \$30 -- \$35 million in new gifts. This is your chance to ensure that your donors, volunteers and friends are among those we reach and those who take action and actually give!

Partnership Agreement Form Must Be Returned by March 20, 2000

Yes! We want to be a Leave A Legacy Partner!

- ☒ Enclosed is our check for \$100.00, made payable to "West Michigan Planned Giving Group." As a partner you will receive a start-up kit which includes: 25 Brochures, Logo Slicks, Ad Slicks, and Sample Newsletter Article

We plan to:

- ☒ Schedule a presentation on Leave A Legacy for our Board of Directors and get their formal endorsement of the program and participation.
- ☒ Publish a Leave A Legacy West Michigan news article or ad in our organizational newsletters.
- ☐ Schedule a presentation by a professional advisor on general estate planning for our Board and volunteers.
- ☒ Link the Leave A Legacy West Michigan web site to our organization's web site.
- ☒ Send a letter about Leave A Legacy West Michigan to our donors, volunteers and friends.
- ☒ Show the five minute Leave A Legacy video to our donors, staff and Board of Directors
- ☐ Support the Leave A Legacy initiative with our gift of \$ _____.

(Please note: If you participate in at least three of the above, your organization will be listed on the Leave A Legacy West Michigan Web site and presentation materials. Proof of nonprofit status will be required.)

We would like to order _____ brochures at .10 each (minimum order of 100.)

Please make checks payable to West Michigan Planned Giving Group, LAL, 118 Commerce Avenue SW, Grand Rapids, MI 49503-4106. Phone: 616.742.2382

Name: _____ Title: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____

Email: _____ Web: _____

Date: February 24, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Softball World Lease Agreement

SUMMARY OF REQUEST:

To renew the agreement with Muskegon Township for the use of Softball World and to use their concessionaire to maintain the fields

FINANCIAL IMPACT:

\$8,000 some of the electric costs to lease the field
\$12,876 to have the fields maintained for all play during 2000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action
231/724-6793
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
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FAX/726-2501

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FAX/727-6904

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FAX/724-6768

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FAX/724-6985

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FAX/724-6768

Info. Systems
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FAX/722-4301

Leisure Service
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FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Neigh. & Const.
Services
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FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

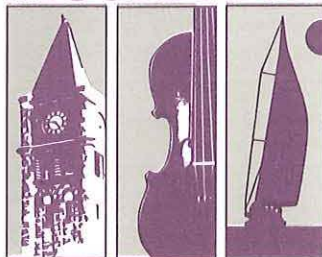
Public Works
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FAX/722-4188

Treasurer
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FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: February 24, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: Softball World Lease Agreement

For the past nine years, the City of Muskegon has leased Softball World from Muskegon Township for our summer and fall softball leagues. The \$8,000 annual fee plus a portion of the electric bill has not increased during that time.

We have also contracted with the concessionaire through Muskegon Township for the maintenance of the fields. His 2000 fee of \$12,876, is considerably less than putting city staff on the fields, because it is a seven-day operation.

I am requesting that you authorize the Mayor and Clerk to sign the attached agreement with Muskegon Township for the use of Softball World for the next three years for \$8,000 annually plus energy costs and that we use the Softball World Concessionaire to maintain the fields.

Thank you for your consideration.



CHARTER
TOWNSHIP OF MUSKEGON

1990 APPLE AVENUE
MUSKEGON, MICHIGAN 49442-4247

Phone: (231) 777-2555
Fax: (231) 777-4912

March 10, 2000

Mr. Ric Scott
Director
Department of Leisure Services
City of Muskegon
P.O. Box 536
Muskegon, Michigan 49443-0536

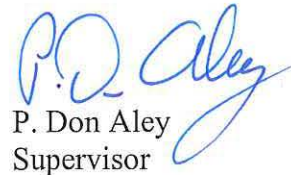
SUBJECT: Softball World Contract

Dear Ric:

Enclosed, you will find a signed Lease for three more years on Softball World Park. The Township approved this on March 6, 2000.

Please return a signed copy for my records after your Commission approves. Thank you.

Sincerely,


P. Don Aley
Supervisor

LEASE AGREEMENT

THIS AGREEMENT, effective April 1, 2000, by and between the City of Muskegon, a Michigan municipal corporation, with offices at 933 Terrace St., Muskegon, Michigan 49443 (hereinafter referred to as "City"), and Muskegon Charter Township, a Michigan municipal corporation, with offices at 1990 Apple Avenue, Muskegon, Michigan 49442 (hereinafter referred to as "Township").

WITNESSETH:

WHEREAS, the Township is the owner and operator of four approved slow-pitch softball diamonds located at the corner of Mill Iron Road and Apple Avenue in Muskegon Township, Muskegon County, known as "Softball World;" and,

WHEREAS, the City desires to use Softball World's fields for its recreational summer and fall softball leagues; and,

WHEREAS, the Township desires that the City utilize its softball fields and said parties have negotiated and desire to put their several agreements in writing relating to the operation and management of Softball World,

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, it is agreed as follows:

1. Premises. The Township hereby agrees that the City for the term herein, and subject to the conditions contained herein, shall have the right to use the four softball fields owned by the Township known as "Softball World." During the term of this Agreement, the Township shall have the right to operate and manage the restaurant and bar concessions, or to enter into a concession agreement for the same.

2. Term. The term of this Agreement shall commence April 1, 2000, and continue in full force and effect, subject to its terms and conditions, until November 1, 2002, unless terminated earlier by agreement of both parties.

3. Compensation.

A. City agrees to pay the Township the following compensation for use of the premises:

i. Eight Thousand Dollars (\$8,000), per year (total lease obligation Twenty-four Thousand Dollars (\$24,000)), payable in four equal monthly installments of Two Thousand Dollars (\$2,000), with the first installment due April 1, 2000, and a like amount each three months thereafter, until paid in full. In addition, in the event the electricity bill during any one year period exceeds the sum of Four Thousand Dollars (\$4,000), per year, the City agrees to pay the extra amount over and above said Four Thousand Dollars (\$4,000), in addition to the sum set forth above.

(i) City agrees to provide all maintenance and materials, such as diamond dust, fertilizer, bases, etc.

(ii) City agrees to organize and manage the summer and fall recreational softball program to be operated at Softball World, including the assignment of practice fields before the season begins.

(iii) The Township, with the consent of the City, shall have the right to contract with another party for the maintenance of said softball fields, provided, however, that the City shall be responsible for the entire cost thereof.

4. Insurance.

A. City agrees to register all of its softball teams with the Amateur Softball Association and carry the maximum insurance permitted by said organization covering field owners and to name Muskegon Township as co-insured. The above policies of insurance shall be subject to the approval of the Township Attorney as to proper form and the amount of coverage. Copies of such policies shall be delivered to the Township for its records during the term of this agreement.

5. Obligations of Township.

A. To pay all utility bills to said premises, except as otherwise set forth herein.

B. To pay all taxes on said premises, including real and personal taxes, provided that it is determined that such taxes have been legally assessed.

C. To carry, during the duration of this agreement, the following minimum insurance coverages:

(i) General liability insurance (premises and operations coverage):

(a) Bodily injury, comprehensive coverage limits of two million dollars per occurrence.

(b) Property damage limits of two million dollars per occurrence.

(c) Liquor liability insurance acceptable to the State of Michigan.

(ii) Workers disability compensation coverage on all employees of the Township in the required statutory amounts.

(iii) The above policies of insurance shall be subject to the approval of the City Attorney as to proper form and amount of coverage. Copies of such

policies shall be delivered to the City for its records during the term of this agreement.

- (iv) All of the above insurance, except the workers disability compensation insurance, must name the City as an additional insured.

6. Use of Premises.

A. During the term of this agreement, the premises may be used by the City on Monday through Sunday of the weeks from April 1 to November 1. The Township shall have the right to use said premises for the exclusive use of the Township residents upon reasonable notice to the City and at reasonable times. The concession operator shall have the right to use said premises when the City is not using the same with reasonable notice.

B. This agreement is conditioned upon the understanding that the operation of the softball fields from Monday through Sunday of the weeks from April 1 to November 1 will be under the overall supervision of the City, and no portion of the premises may be leased, subleased, or assigned to any other person, firm, or corporation without the express prior written consent of the Township.

7. Conditions of Maintenance of Fields. The City shall maintain the softball fields at an acceptable level and to an acceptable degree. In no event shall the maintenance of said premises fall below the following general standards:

A. A manner equal to or greater than the level of maintenance at other public softball fields.

B. A manner consistent with good maintenance practice.

C. Such other conditions as the parties may mutually agree upon during the term of this agreement.

D. In the event the fields are not maintained in a satisfactory manner to the Township, the Township shall have the right to maintain said fields in a proper manner, and charge the costs of same to the City.

8. Structure of Premises. Except as otherwise provided herein, the Township shall have the exclusive use of all buildings on the premises including but not limited to, the concession stand, maintenance building, and small shed, provided the City shall have use of the maintenance building for storage of equipment and materials.

9. Binding Effect. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.

10. Applicable Law. This agreement shall be interpreted under the laws of the State of Michigan.

11. Arbitration of Disputes. In case of any dispute between the parties hereto arising, which cannot be resolved on the terms of this agreement, such dispute shall be settled by binding arbitration between the parties, with the arbitrator having been appointed in accordance with the following procedures:

A. The parties shall meet and attempt to mutually agree upon an arbitrator.

B. Should the parties fail to agree upon an arbitrator, the parties shall each submit two names upon a list of four persons which shall be presented to the then presiding circuit judge for the County of Muskegon, State of Michigan, who shall from that list appoint the arbitrator. The arbitrator's opinion shall be binding and said award may be entered and ordered in any court having requisite jurisdiction.

12. Renewal. If the City intends to enter into negotiations for the renewal of this Lease, City shall give the Township thirty (30) days written notice thereof.

13. Notices. Notices to either party to this agreement shall be sufficient if sent by certified mail, postage prepaid addressed as follows:

To the City: Director of Leisure Services, City Hall, 933 Terrace Street,
Muskegon, MI 49443

To the Township: Supervisor, Muskegon Charter Township, 1990 Apple
Avenue, Muskegon, MI 49442.

CITY OF MUSKEGON

TOWNSHIP OF MUSKEGON, MICHIGAN

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By P. Don Aley
P. Don Aley, Supervisor

ATTEST:

Gail A. Kunderger
Gail A. Kunderger, Clerk

AGENDA ITEM NO.

CITY COMMISSION MEETING: March 14, 2000

TO: Honorable Mayor and City Commissioners
FROM: Edward E. Griffin, Chief of Police
DATE: March 1, 2000
RE: Purchase Police Vehicle In-Car Video Cameras with 1998
Block Grant Money

SUMMARY OF REQUEST:

Purchase eleven in-car video cameras to upgrade to the high quality Kustom Signal cameras in all marked and semi-marked patrol units. This would allow us to install the new model cameras in all regularly assigned Patrol Division, Community Policing Bureau, Traffic Bureau and K-9 vehicles. We would purchase the cameras on the State of Michigan/Kustom Signal contract 071B8000611. These prices are good through May 1, 2000. Cost will likely increase after that date.

The cost per camera system is \$4,890.50. Total cost for eleven systems is \$53,795.50

BUDGET ACTION REQUIRED:

None

FINANCIAL IMPACT:

Expend \$53,795.50 of the money awarded under the 1998 Local Law Enforcement Block Grant, 98LBVX3225 and local ten percent match money.

STAFF RECOMMENDATIONS:

Staff recommends this purchase.

COMMISSION MEETING DATE: MARCH 14, 2000

DATE: February 22, 2000
TO: Honorable Mayor and City Commissioners
FROM: Planning & Economic Development *ebc*
RE: Sale of Vacant Land on Yuba Street in Jackson Hill

SUMMARY OF REQUEST:

To approve the sale of four non-buildable lots described as map numbers 21-31-20-130-004, 005, 006, and 007 (joined for the creation of one buildable lot) to Reverend Daniel and Mrs. Shuryvonne Dixon of 992 Spring Street. Total frontage for the combined lots is 140 feet. The couple intends to build a three-bedroom single family home with approximately 2,076 square feet of living space. Additional amenities of the home include an attached two-car garage, brick front and front porch. The bid price for the land was \$3,500 and the Dixons submitted the only bid of \$4,999.99. Approval of this sale will allow for a second home to be constructed pursuant to the Jackson Hill Marketing Strategy.

FINANCIAL IMPACT:

The sale of the property will allow the City to collect taxes on the new home and relieve the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The LRC approved the sale of these combined lots to one buyer at their December meeting.

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF FOUR NON-BUILDABLE LOTS (COMBINED FOR THE CONSTRUCTION OF A SINGLE FAMILY HOME) ON YUBA STREET IN JACKSON HILL FOR \$4,999.99.

WHEREAS, Rev. Dixon and his wife have submitted the only bid for \$4,999.99 for the construction of a single family 3-bedroom ranch style house with two-car garage, brick front, front porch and basement;

WHEREAS, the sale would enable the City to place these properties back on the tax rolls, and would relieve the City of further maintenance costs;

WHEREAS, sale of the land and subsequent construction of the home would be in accordance with existing City policies and those of HUD, concerning the disposition of former Urban Renewal lands;

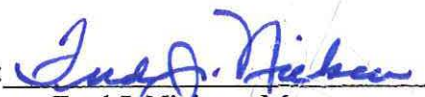
NOW THEREFORE BE IT RESOLVED, map #24-31-20-130-004, 005, 006, and 007, be sold to the above-mentioned buyer as recommended by staff and the LRC.

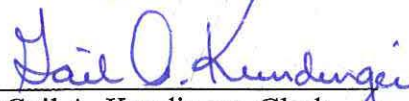
Adopted this 14th day of March, 2000.

Ayes: Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

Absent: Schweifler (excused)

By: 
Fred J. Nielsen, Mayor

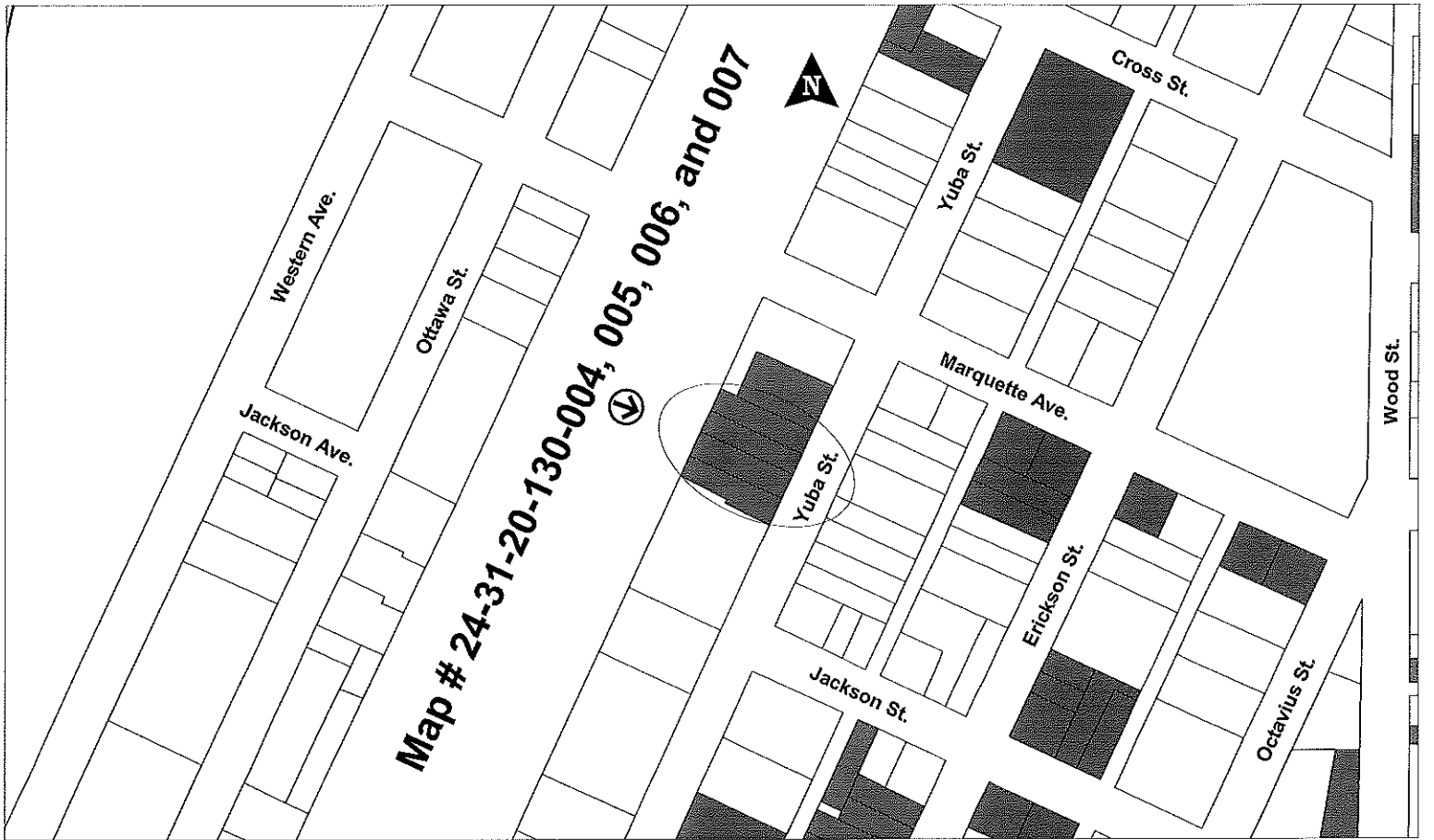
Attest: 
Gail A. Kunding, Clerk

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 March 14, 2000.

By: 
Gail A. Kunding, Clerk

Map # 24-31-20-130-004, 005, 006, and 007



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made March 14, 2000, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **DANIEL DIXON and wife, SHURYVONNE DIXON**, of 922 Spring Street, Muskegon, Michigan 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

Lots 9, 10 and 11, and that part of Lot 8 described as follows:
Commence at the Northeasterly corner of Lot 8, thence South along the East line of Lot 8, 8.7 feet, thence West parallel to the North line of said lot 70.62 feet to the Westerly line of said Lot 8, thence Northerly along the Westerly line of said lot, 8.62 feet to the Northerly line of said lot, thence Easterly along the Northerly line of said lot 70.62 feet to the point of beginning. All being part of Block 142 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

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 Four Thousand Nine Hundred Ninety-nine and 99/100 Dollars (\$4,999.99), payable in cash or certified funds, to Seller at Closing.

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

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If

Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owners title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single family home, up to all codes, within eighteen (18) months of the closing of this transaction. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, in the sole judgement of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Incentive Credits.** Seller agrees to pay to the Buyer funds in the following amounts, pursuant to an incentive plan agreed to by the parties, upon completion of the house and issuance of a certificate of completion or occupancy permit. The incentive payments shall be paid upon written acceptance and approval by Seller that the following improvements have been included and completed to the sole satisfaction of Seller:

<i>not</i>	6.1	Construction of a ^{attached} detached, two car garage.	\$1000.00
	6.2	Construction of a brick front (At least 4 feet above grade the entire width of the house - front (street) elevation).	\$1000.00
	6.3	Construction of a Bay Window on the front (street) elevation of the house.	\$500.00
	6.4	Construction of a front porch - front (street) elevation of the house.	<u>\$300.00</u>
	Total		\$2800.00

The amount of the credits will be held by Seller in escrow, without interest, to be refunded to the Buyers upon acceptance by the Seller. The said credits are agreed to be modifications of the purchase price for the premises and are for good consideration. The said credits shall not be available, and the Seller shall retain the said funds without further obligation, if the said incentive improvements are not completed and accepted within the 18 month period set forth in this agreement for completion to code of the house on the premises.

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

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

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

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

c. To the best of Seller's knowledge, the Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF BUYER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. 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.

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

10. **Closing.** The closing date of this sale shall be on or before June 14, 2000 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49441. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda Potter
Linda Potter

JoAnn Krukowski
JOANN KRUKOWSKI

Shirley Annison

[Signature]

SELLER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

Daniel Dixon
Daniel Dixon

Social Security No. 423-40-4584

Shuryvonne Dixon
Shuryvonne Dixon
Social Security No. 418-22-1929

Drafted by:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

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 DANIEL DIXON and wife, SHURYVONNE DIXON, of 922 Spring Street, Muskegon, MI 49442,

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

the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

Lots 9, 10 and 11, and that part of Lot 8 described as follows: Commence at the Northeasterly corner of Lot 8, thence South along the East line of Lot 8, 8.7 feet, thence West parallel to the North line of said lot 70.62 feet to the Westerly line of said Lot 8, thence Northerly along the Westerly line of said lot, 8.62 feet to the Northerly line of said lot, thence Easterly along the Northerly line of said lot 70.62 feet to the point of beginning. All being part of Block 142 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

for the sum of Four Thousand Nine Hundred Ninety-nine and 99/100 (\$4,999.99) Dollars.

PROVIDED, HOWEVER, Grantee, or their assigns, shall substantially complete construction of a single-family home on the premises herein conveyed, up to all codes, within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee, or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee, or their assigns. "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 the Grantor. Furthermore, Grantee has covenanted that the home shall be owner occupied for five (5) years from the date of this deed.

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 15th day of May, 2000.

Signed in the presence of:

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, Its Clerk

Linda S. Potter
Linda S. Potter
JoAnn Krukowski
JOANN KRUKOWSKI

STATE OF MICHIGAN

COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 15th day of May, 2000, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, MI
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made March 14, 2000, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **DANIEL DIXON and wife, SHURYVONNE DIXON**, of 922 Spring Street, Muskegon, Michigan 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

Lots 9, 10 and 11, and that part of Lot 8 described as follows:
Commence at the Northeasterly corner of Lot 8, thence South along the East line of Lot 8, 8.7 feet, thence West parallel to the North line of said lot 70.62 feet to the Westerly line of said Lot 8, thence Northerly along the Westerly line of said lot, 8.62 feet to the Northerly line of said lot, thence Easterly along the Northerly line of said lot 70.62 feet to the point of beginning. All being part of Block 142 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

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 Four Thousand Nine Hundred Ninety-nine and 99/100 Dollars (\$4,999.99), payable in cash or certified funds, to Seller at Closing.

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

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If

Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owners title policy shall be paid by Seller.

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single family home, up to all codes, within eighteen (18) months of the closing of this transaction. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, in the sole judgement of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Incentive Credits.** Seller agrees to pay to the Buyer funds in the following amounts, pursuant to an incentive plan agreed to by the parties, upon completion of the house and issuance of a certificate of completion or occupancy permit. The incentive payments shall be paid upon written acceptance and approval by Seller that the following improvements have been included and completed to the sole satisfaction of Seller:

<i>jack</i>	6.1	Construction of a ^{<i>attached</i>} detached, two car garage.	\$1000.00
	6.2	Construction of a brick front (At least 4 feet above grade the entire width of the house - front (street) elevation).	\$1000.00
	6.3	Construction of a Bay Window on the front (street) elevation of the house.	\$500.00
	6.4	Construction of a front porch - front (street) elevation of the house.	<u>\$300.00</u>
	Total		\$2800.00

The amount of the credits will be held by Seller in escrow, without interest, to be refunded to the Buyers upon acceptance by the Seller. The said credits are agreed to be modifications of the purchase price for the premises and are for good consideration. The said credits shall not be available, and the Seller shall retain the said funds without further obligation, if the said incentive improvements are not completed and accepted within the 18 month period set forth in this agreement for completion to code of the house on the premises.

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

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

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

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

c. To the best of Seller's knowledge, the Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF BUYER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. 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.

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

10. **Closing.** The closing date of this sale shall be on or before June 14, 2000 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49441. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda Potter
Linda Potter

JoAnn Krukowski
JOANN KRUKOWSKI

Shirah Harrison
James A. Johnson

SELLER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

Daniel Dixon
Daniel Dixon
Social Security No. 423-40-4584

Shuryvonne Dixon
Shuryvonne Dixon
Social Security No. 418-72-1929

Drafted by:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

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 DANIEL DIXON and wife, SHURYVONNE DIXON, of 922 Spring Street, Muskegon, MI 49442,

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

the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

Lots 9, 10 and 11, and that part of Lot 8 described as follows: Commence at the Northeasterly corner of Lot 8, thence South along the East line of Lot 8, 8.7 feet, thence West parallel to the North line of said lot 70.62 feet to the Westerly line of said Lot 8, thence Northerly along the Westerly line of said lot, 8.62 feet to the Northerly line of said lot, thence Easterly along the Northerly line of said lot 70.62 feet to the point of beginning. All being part of Block 142 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

for the sum of Four Thousand Nine Hundred Ninety-nine and 99/100 (\$4,999.99) Dollars.

PROVIDED, HOWEVER, Grantee, or their assigns, shall substantially complete construction of a single-family home on the premises herein conveyed, up to all codes, within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee, or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee, or their assigns. "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 the Grantor. Furthermore, Grantee has covenanted that the home shall be owner occupied for five (5) years from the date of this deed.

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 15th day of May, 2000.

Signed in the presence of:

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

Linda S. Potter
Linda S. Potter
JoAnn Krukowski
JOANN KRUKOWSKI

STATE OF MICHIGAN

COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 15th day of May, 2000, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, MI
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee



Transnation

TRANSNATION TITLE INSURANCE COMPANY

8 WEST WALTON STREET
MUSKEGON, MI 49440

No 161829

No 161829

FILE NO. 409614 MKL PROCEEDS

DATE 06/12/00

9-9/720

PAY

FOUR THOUSAND SIX HUNDRED NINETY AND 99/100 DOLLARS

\$ 4690.99



City of Muskegon

TO
THE
ORDER
OF

VOID AFTER 180 DAYS
COMERICA BANK
MUSKEGON, MI 49441

TRANSNATION TITLE INSURANCE COMPANY

Melinda K. Caldwell
AUTHORIZED SIGNATURE

AUTHORIZED COUNTERSIGNATURE

20443/20453

⑈161829⑈ ⑆072000096⑆ 1840353146⑈

DATE

DESCRIPTION

AMOUNT

Bank 5344	Check 161829	
Order No 409614	Closed by MKL	Property Yuba
409614		
Buyer Daniel Dixon & Shuryvonne Dixon	Seller City of Muskegon	
06/12/00	Net proceeds to seller(s)	4690.99
		\$4690.99

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of proposal
2000 Sidewalk Program

SUMMARY OF REQUEST:

The 2000 Sidewalk project be awarded to E & K as an amendment to the 1998 / 1999 contract. E & K has submitted the attached letter proposing to perform the work with the same unit prices for the most part as well reduction on some of the major items (4" sidewalk). The cost for this amendment is estimated at 514,283.75. Furthermore, it is requested that this amendment be contingent on the creation of the special assessment district.

FINANCIAL IMPACT:

The construction cost of \$514,283.75 plus an estimated \$77,000 of related engineering expenses.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Amend the 1998/1999 contract to include the 2000 project.

COMMITTEE RECOMMENDATION:

E+K CONSTRUCTION OF HOLLAND CO. INC.

13134 QUINCY STREET
HOLLAND MI 49424

Phone 616-3991921
Fax 616-399-3110
Email Ekcon@wmol.com

February 15, 2000

Robbert Frye
City of Muskegon
933 Terrace Str.
P.O. Box 536
Muskegon MI 49443-0536

RE: 1999 Sidewalk Replacement Program

Dear Robert,

E+K Construction of Holland proposes to the City of Muskegon to extend the 1999 sidewalk program to include the 2000 sidewalk program. By extending the project this time of year (Feb) before other work is let we propose approximately 7% reduction in price based upon 1999 quantities (see attached breakdown).

There were a number of factors involved for not being able to finish the 1999 project. I have been operating E+K construction for the last four years. This past year two key employees retired and 1999 turned out to be a test of what we were able to achieve. I was really pleased with our performance and give credit to the employees of E+K. Their dedication and workmanship are to be commended. In a typical year, March and April are when most jobs are bid, and so was the case in 1999. E+K bid major projects last year and a majority of these projects were awarded at a later date, and some were stalled. Another factor is that we ran into a lot of trees with roots on the 1999 project. As stressed to us in other years, trees are important. Roots involve a lot of handwork which takes more time. Also, weather played a part last year. With rain days and the threat of rain, days were lost. Being spread out on this project, I felt proper protection from weather could not be placed in time to ensure a quality job. Repairing damaged concrete would set us back further in the schedule. Last year, I feel every effort was taken to complete the project but time ran out on me.

Now being the middle of February, I have good hold on this years schedule. If the 1999 contract is extended, I would abstain from bidding other projects with conflicting schedules.

E+K has always been dedicated to quality workmanship in a timely manner. I think our past performance, including clean up, reflects quality workmanship. For the 2000 project, I propose a completion date of October 1, 2000 with full understanding of penalties being enforced as listed in contract. I would welcome the opportunity to work with the city on this project.

Thank you for your consideration.

Sincerely,



Jack Kalkman
President E+K Construction of Holland Co. Inc.

BID PROPOSAL

H-1507 SIDEWALK REPLACEMENT PROGRAM COMPARISON

				1998/1999		2000	
	ITEM OF WORK	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	BORROW FILL	CU YD	50	\$15.00	\$750.00	\$15.00	\$750.00
2	CEMENT	TON	10	\$150.00	\$1,500.00	\$150.00	\$1,500.00
3	CONCRETE CURB, 6" X 14"	L FT	200	\$18.00	\$3,600.00	\$18.00	\$3,600.00
4	CONCRETE CURB & GUTTER, AS DIRECTED	L FT	50	\$20.00	\$1,000.00	\$20.00	\$1,000.00
5	CONCRETE DRIVE APPROACH, 6"	SQ YD	600	\$28.00	\$16,800.00	\$27.00	\$16,200.00
6	CONCRETE SIDEWALK, 4"	SQ FT	105100	\$3.00	\$315,300.00	\$2.85	\$299,535.00
7	CONCRETE SIDEWALK, 6"	SQ FT	600	\$3.50	\$2,100.00	\$3.35	\$2,010.00
8	CONCRETE SIDEWALK RAMP, TYPE I OR TYPE III	SQ FT	5175	\$4.00	\$20,700.00	\$3.65	\$18,888.75
9	EXCAVATION	CU YD	200	\$10.00	\$2,000.00	\$10.00	\$2,000.00
10	REMOVING CONCRETE CURB	L FT	350	\$5.00	\$1,750.00	\$5.00	\$1,750.00
11	REMOVING CONCRETE CURB & GUTTER	L FT	50	\$10.00	\$500.00	\$10.00	\$500.00
12	REMOVING CONCRETE DRIVE APPROACH	SQ YD	500	\$10.00	\$5,000.00	\$10.00	\$5,000.00
13	REMOVING CONCRETE SIDEWALK	SQ FT	111000	\$1.50	\$166,500.00	\$1.30	\$144,300.00
14	ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES	EACH	170	\$25.00	\$4,250.00	\$25.00	\$4,250.00
15	ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES	EACH	170	\$50.00	\$8,500.00	\$50.00	\$8,500.00
16	ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30"	EACH	60	\$75.00	\$4,500.00	\$75.00	\$4,500.00
	TOTAL				\$554,750.00		\$514,283.75

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District on:
ROBERTS STREET, LAWRENCE AVE. TO WESLEY AVE.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Roberts, Lawrence to Wesley**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

This request will be reviewed during the work session on March 13, 2000 meeting

CITY OF MUSKEGON

Resolution No. 2000-32(a)

Resolution At First Hearing Creating Special Assessment District
For **ROBERTS STREET, LAWRENCE AVE. TO WESLEY AVE.**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **MARCH 14, 2000** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **MARCH 14, 2000**, there were 5.79 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Aslakson and Spataro

and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **25.37%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **MARCH 14, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

ROBERTS STREET, LAWRENCE AVE. TO WESLEY AVE.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **ROBERTS STREET, LAWRENCE AVE. TO
WESLEY AVE.**

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 14 TH DAY OF MARCH, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Roberts Street, from Wesley Avenue to the southern right of way line of Lawrence Avenue.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 4, 2000.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3RD DAY OF MARCH, 2000.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
20th DAY OF March, 2000.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

AGNES

553		551		547
554		559		563

302		300		298
246				251

STREET

297			293		
296					
254					
253			258		
252					

WESLEY

AVENUE

SPECIAL ASSESSMENT DISTRICT

15037

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245				241			238
							237
183				188			190

SCHOOL

236	NO. 1, 2, &
191	196

MARC

178		173	
160			165

DUDL

184		181		179
154		156		159
153	155		157	158

152						DUDL
151	149					
150		148		145		140

120 121 125 130
LAWRENCE
119 118 115 112 82 80

15156 - A

RYERSON CREEK

108

10

15156	15156-C	15156-B	156-E	155-A	155-B	157	158-B	158-B1	158-B2	158-B3
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6	NO. 3	1	6	NO. 2	1	SS	21
59A	15160	7	WAGEN MAKER	12	1	SUB-DIVISION	

159	161	PLYM	NO. 1	EVAR	15162	160 A	163	163 A	163-B	164
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AVENUE

SPECIAL ASSESSMENT DISTRICT

15037

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15047 15048

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CREEK

CHIEF

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15107-
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15107-E

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118

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15119

ALFALFA

SESSORS		13	16
PLAT			
OF			
STEVEN			

3- DIVISION										48		80
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[illegible]

ROBERTS STREET

OAK GROVE ST.

IS

EVARL

PLYMOUTH

**ENGINEERING FEASIBILITY STUDY
ROBERTS STREET
LAWRENCE AVENUE TO WESLEY AVENUE**

The new construction of Roberts Street from Lawrence Avenue to Wesley Avenue was initiated by the City of Muskegon, Department of Public Works. The proposed new construction of this unpaved section of Roberts Street is consistent with the City's goals and objectives to eliminate all unpaved streets within the city limits. This project was identified and established in the 2000 Capital Improvement Budgets for Local Streets.

The project was identified due to the unpaved surface of the street. The improvement we are recommending consists of installing a paved surface, curb and gutter with associated storm water catchment.

A memo from the Assessor's office, which addresses the appraisal and benefit to abutting properties, is attached.

The preliminary cost estimate for the work associated with this project is approximately \$150,000. The length of the project is approximately 1,080 lineal feet with 1,139.46 assessable footage. Therefore, the estimated improvement cost is \$131.64 per assessable foot. However, the assessment cost will not exceed \$33.40 per assessable foot. The maximum assessment cost of \$33.40 per assessable foot is based on the established 2000 *Special Assessment Cost Estimates* prepared by the City of Muskegon Engineering Department.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
Jacob O. Funkhouser
James J. Kobza
Louis McMurray
Clarence Start

March 7, 2000

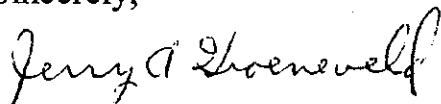
Mohammed Al-Shatel, City Engineer
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the paving of Roberts Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 7, 2000.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$33.40 appears reasonable in light of analysis that indicates a probable enhancement of \$32.89. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3
Senior Appraiser

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

March 3, 2000



Parcel Number

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

Roberts Street, Lawrence Avenue to Wesley Avenue.

The proposed special assessment district will be located as follows:

All parcels abutting Roberts Street, from Wesley Avenue to the southern right of way line of Lawrence Avenue.

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on March 14, 2000 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held to confirm the special assessment roll after the project is under way. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

The total estimated cost of the street portion of the project is \$150,000 of which approximately 25.37% (\$38,057.96) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and financial assistance programs available.

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$15,000.
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options (including deferment applications) may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-4121**.

**CITY OF MUSKEGON
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
STREET ASSESSMENT PROGRAM
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Property owners in your area are being specially assessed by the City of Muskegon for roadway improvements. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment.

Application Requirements:

- ◆ Applicants must submit proof that their total household income does not exceed 65% of Area Median Income (see chart below); Proof of income may include copies of federal/state income tax returns, copies of pension or other benefit checks or agency statements from all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$21,580
2	24,635
3	27,755
4	30,810
5	33,280
6	35,750
7	38,220
8	40,690
For each extra, add	2,800

- ◆ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder before receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ◆ Applicant must submit proof of current property insurance; and
- ◆ Applicant must submit a recent property tax receipt to show that all tax payments are current.

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

Applications must be submitted prior to confirmation of the special assessment roll takes place. For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: March 14, 2000

Project Title: Roberts Street, Lawrence Avenue to Wesley Avenue.

Project Description: Construct new bituminous pavement with concrete curb and gutter.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:

Parcel Number

Plate Number

Assessable Frontage:

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

Thank you for taking your time to vote on this important issue.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following project:

ROBERTS STREET, LAWRENCE AVE. TO WESLEY AVE.

The location of the special assessment district and the properties proposed to be assessed are:

All properties abutting **ROBERTS STREET, LAWRENCE AVE. TO WESLEY AVE.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS
ON **MARCH 14, 2000 AT 5:30 O'CLOCK P.M.**

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **MARCH 4, 2000**

Gail Kunding, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audio tapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By: March 14, 2000

Project Title: Roberts Street, Lawrence Avenue to Wesley Avenue.
Project Description: Construct new bituminous pavement with concrete curb and gutter.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	0	ROBERTS ST
Parcel Number	24-610-000-0153-00	
Plate Number	24-31-21-403-030	
Assessable Frontage:	162.55	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$5,429.17	

RECEIVED
MAR 07 2000
City Clerks Office

Property Description

N 1/2 OF LOT 152 AND ALL OF LOTS 153, 154 URBAN RENEWAL PLAT # 1

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner PAUL Lee Oakes

Signature Paul Lee Oakes

Address 119 Delaware St

Wilmington, NC 28402

Owner _____

Signature _____

Address _____

Thank you for taking your time to vote on this important issue.

PAUL PAUL

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED
MAR 13 2000
City Clerks Office

To have your vote count, please
Return This Card By: March 14, 2000

Project Title: Roberts Street, Lawrence Avenue to Wesley Avenue.
Project Description: Construct new bituminous pavement with concrete curb and gutter.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	1205	WESLEY AVE
Parcel Number	24-611-000-0245-00	
Plate Number	24-31-21-401-001	
Assessable Frontage:	65.93	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$2,202.06	

Property Description

URBAN RENEWAL PLAT NO 2 LOT 245

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	Owner
Signature	Signature
Address	Address

Doris Foster
Doris Foster
1205 Wesley Ave

Thank you for taking your time to vote on this important issue.

FOSTER DORIS

TO: Honorable Mayor and City commissioners
FROM: Engineering
DATE: March 14, 2000
RE: Public Hearing
Create Special Assessment District on:
2000 Sidewalk Program (E-4)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those obtaining a permit.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the project for special assessment, create a special assessment district for the project and assign two City Commissioners to the Board of Assessors by adopting the attached resolution.

COMMITTEE RECOMMENDATION:

This request will be discussed during the "Work Session" scheduled for March 13, 2000.

CITY OF MUSKEGON

Resolution No. 2000-32(b)

Resolution At First Hearing Creating Special Assessment District
For **The 2000 Sidewalk Replacement Program**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

A hearing has been held on **March 14, 2000** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.

2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 14, 2000**, there were 4.25 % objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the properties to be assessed and the value of the benefit to be received by each properties proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the properties.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the properties set forth in Exhibit A attached to this resolution.

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Aslakson and Spataro and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work preformed.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 100% of the cost of the improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes, Commissioners Sieradzki, Spataro, Aslakson, Benedict, Nielsen,
Shepherd

Nays, None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 14, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

SIDEWALK REPLACEMENT PROGRAM FOR 2000

SPECIAL ASSESSMENT DISTRICT

The location of the special assessment district and the properties proposed to be assessed are:

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements or have not obtained the required permits by **May 1, 2000** to complete the work themselves

AREA E-4 BOUNDED BY EVANSTON AVENUE TO THE NORTH, GETTY STREET TO THE WEST AND THE CITY LIMITS TO THE EAST AND SOUTH.

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 14 TH DAY OF MARCH, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

THOSE PROPERTIES IDENTIFIED IN THE AREA LISTED BELOW AS HAVING SIDEWALK DEFICIENCIES IN WHICH THE OWNERS HAVE NOT COMPLETED THE REQUIRED IMPROVEMENTS OR HAVE NOT OBTAINED THE REQUIRED PERMITS BY MAY 1, 2000 TO COMPLETE THE WORK THEMSELVES.

AREA E4; bounded by Evanston Avenue to the north, Getty Street to the west, and the City Limits to the east and south.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 4, 2000.

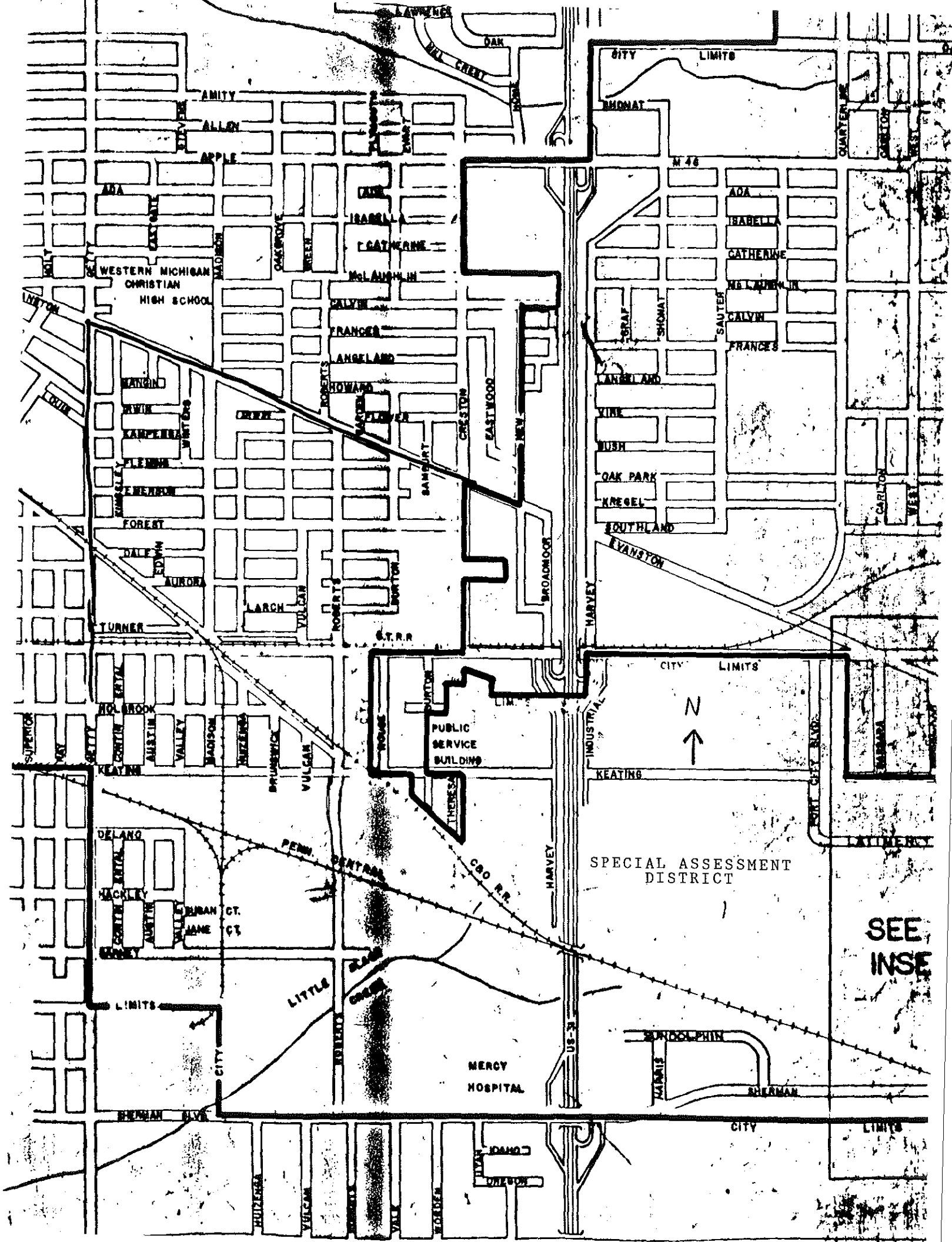
DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3RD DAY OF MARCH, 2000.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
20th DAY OF March, 2000.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02



Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

March 3, 2000

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Re: Parcel No.

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following project:

Sidewalk Replacement Program for 2000

The proposed special assessment district will be located as follows:

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements or have not obtained the required permits by May 1, 2000 to complete the work themselves.

AREA E4; bounded by Evanston Avenue to the north, Getty Street to the west, and the City Limits to the east and south.

The above improvement will be paid entirely by special assessment. The 2000 cost has been set at \$5.30 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE CITY OF MUSKEGON COMMISSION CHAMBERS ON March 14, 2000 AT 5:30 P.M. You are entitled to appear at this hearing, either in person, by an agent, or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made to the City Clerk at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL.

HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN STATE TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made; unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PLEASE BE ADVISED THAT THERE ARE PAYMENT ASSISTANCE AND DEFERRAL PROGRAMS FOR CERTAIN PERSONS WHO QUALIFY. FOR INFORMATION ON QUALIFYING FOR SUCH PROGRAMS, PLEASE REFER TO THE ENCLOSED SHEET ENTITLED "SPECIAL ASSESSMENT PAYMENT OPTIONS." If your application for payment assistance through the CDBG Program has already been approved, you need to do nothing else at this time; the City will make the repairs, and you will not be assessed for the replacement costs.

The Assessment, which covers the improvements to the sidewalk (and drive approach if needed), may be paid in installments over a period of up to ten (10) years. Special assessments which are paid in installments, will carry an interest rate in the amount of one percent (1%) in excess of bonding interest rates, or an interest rate which is determined by the City in accordance with its policy.

Preliminary plans and details are on file in the Engineering Department in the City Hall. You are welcome to review the said plans and costs during business hours at the City Hall which are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except for holidays.

Yours Truly,

CITY OF MUSKEGON

A handwritten signature in cursive script, reading "Mohammed S. Al-Shatel".

Mohammed S. Al-Shatel, P.E.
City Engineer

HOW YOUR SIDEWALK WAS CHOSEN FOR REPLACEMENT

The City's comprehensive sidewalk replacement program set minimum standards to help reduce potential accidents due to broken or uneven walkways. To establish those sections of sidewalk that need to be replaced, the following criteria were followed:

1. Rise or drop of more than $\frac{3}{4}$ ".
2. Broken or cracked in many pieces throughout.
3. Holes more than $\frac{3}{4}$ " deep.
4. Badly spalled.
5. Open cracks more than $\frac{1}{2}$ " wide.
6. Broken sections with loose pieces of concrete.
7. Crumbling due to age, weather, and/or improper material used in the original construction, or for other reasons.
8. Side slope of more than 8% (1" for every 12").

Additional conditions: When one section doesn't need to be replaced, but the sections on each side do, all three sections must be replaced. When only a small area (one square foot or less) of a section is missing or broken, it will not need to be replaced provided there is still 42" of good continuous sidewalk and there is no rise or drop.

Those sections that do not fall within the above criteria but are hazardous, will be required to be replaced.

Sidewalk size: Sidewalks are to be 5' wide with the exception of sidewalks that go around trees, in which case the minimum continuous width must be 42".

SIDEWALKS IN THE TERRACE: Sidewalks that are located in the terrace between the City sidewalk and the curb will be inspected with the same criteria as the City sidewalks and may either be removed or repaired at the owner's choice.

DRIVE APPROACHES: If a drive approach is hazardous with deep holes or raised areas, or other hazards, it will be required to be replaced. If no approach is provided, but cars are crossing the terrace, an approach will be required, provided a legal driveway is permitted by the Zoning Ordinance.

Street corners and alleys: The city will be responsible for the cost of all replacement of sidewalks at the street corners and where alleys cross the sidewalks. If the sidewalk is to be replaced at corners, it will be made handicapped accessible.

Requesting additional sections to be replaced: Owners of property will be allowed to request that additional sections of sidewalk be replaced. This could include sections of sidewalk that are cracked or broken, but not hazardous, or if the owner wishes to have their total sidewalk replaced. This does not include property owners receiving CDBG funding to pay for their special assessment; these owners will be restricted to the required sections only.

Appeal Process: If you feel the sidewalk does not meet the above criteria, you may appeal to the City Engineer at 724-6707. If you are still not satisfied after your appeal, you may request a hearing with the Sidewalk Review Board.

If you have questions about the specific sections that need to be replaced, please contact the

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty days may be paid in installments over several years as follows:

Street and Alley Assessments - Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest - Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged your assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- ▶ Be 65 years or older or be totally or permanently disabled.
- ▶ Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- ▶ Be a citizen of the U.S.
- ▶ Have a total household income not in excess of \$15,000.
- ▶ Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and future installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owners(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options (including deferment applications) may be obtained by calling either the *City Assessor's Office* at 724-6708 or the *City Treasurer's Office* at 724-6720.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. CDBG payment assistance is only available prior to the confirmation of special assessment hearing. To obtain further information and determine whether you are eligible, contact the *Community and Neighborhood Services Department* at 724-6717.

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SIDEWALK REPLACEMENT PROGRAM FOR 2000
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Property owners in your area are being specially assessed by the City of Muskegon for roadway improvements. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment.

Application Requirements:

- ◆ Applicants must submit proof that their total household income does not exceed 65% of Area Median Income (see chart below); Proof of income may include copies of federal/state income tax returns, copies of pension or other benefit checks or agency statements from all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$21,580
2	24,635
3	27,755
4	30,810
5	33,280
6	35,750
7	38,220
8	40,690
For each extra, add	2,800

- ◆ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder before receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ◆ Applicant must submit proof of current property insurance; and
- ◆ Applicant must submit a recent property tax receipt to show that all tax payments are current.

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

Applications must be submitted prior to confirmation of the special assessment roll takes place. For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

**CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

NAME: _____ **BIRTHDATE:** _____

SPOUSE'S NAME: _____ **BIRTHDATE:** _____

ADDRESS: _____ **PHONE:** _____

NUMBER OF UNITS: _____ **PARCEL #:** _____ **PLATE #:** _____
(Single family or # of Apts) (If known) (If known)

ETHNIC CLASS: _____ **MARITAL STATUS:** _____
(Asian, Black, Hispanic, Native American, White, etc) (Married, Single, Divorced, Widowed, Separated)

HANDICAPPED: () Yes () No **FAMILY SIZE:** _____
(Are you or your spouse legally handicapped or disabled?) (Number of people living in household)

I N C O M E

MONTHLY HOUSEHOLD INCOME: \$ _____ **SOURCE:** _____
(Must include all household income)

_____ **SOURCE:** _____

_____ **SOURCE:** _____

Total: \$ _____ **OTHER:** _____

P R O P E R T Y

OWNERSHIP: () DEED () MORTGAGE () LAND CONTRACT

HOMEOWNER'S INSURANCE CO: _____ **EXPIRATION DATE:** _____

PROPERTY TAXES: () Current () Delinquent Year(s) Due (if any) _____

O W N E R ' S S I G N A T U R E

OWNER'S SIGNATURE: _____ **Date:** _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

(For Office Use Only)

P R O P R I E T O R Y

APPROVED () **DENIED** () **DATE** _____ **CENSUS TRACT NO.** _____

STAFF SIGNATURE _____ **TITLE** _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, insurance, and property taxes.

CITY OF MUSKEGON

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following project:

2000 SIDEWALK PROGRAM

The location of the special assessment district and the properties proposed to be assessed are:

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements or have not obtained the required permits by May 1, 1999 to complete the work themselves

AREA E4 BOUNDED BY EVANSTON AVENUE TO THE NORTH, GETTY STREET TO THE WEST AND THE CITY LIMITS TO THE EAST AND SOUTH.

It is proposed that the total cost of the improvement will be paid through special assessments. The 2000 cost has been set at \$5.30 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 14, 2000 AT 5:30 O'CLOCK P.M.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **MARCH 4, 2000**

Gail Kunding, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audio tapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(616) 724-6705 or TDD (616) 724-6773

March 5, 2000

City of Muskegon
City Clerk

I am writing this letter in protest of the special assessment for repairs of the sidewalks in the East Muskegon area.

I live at 1275 Emerson Ave, my sidewalks are not in need of repair.

Thank you

Ralph Burr
773-5292

RECEIVED
MAR 07 2000
City Clerks Office

RECEIVED
MAR 08 2000
City Clerks Office

March 6, 2000

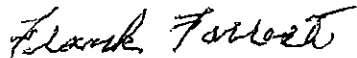
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

Dear City Clerk:

I'm writing in response to the letter sent last week regarding the Special Sidewalk Assessment. I'm disabled and unable to attend the meeting March 14. However, please note I'm in favor of the Special Assessment. I feel it's important that our sidewalks are kept in a safe condition for everyone to enjoy.

It's my intention to allow the City of Muskegon's selected Contractor to replace the one square on my property I'm told needs replacing. In a discussion with the Engineer's Department today, I'm told the estimated costs of repairs for a 5 x 5 square is around \$132.50. I understand these costs may vary due to the bid process and a re-evaluation of the sidewalk on my property.

Sincerely,



Frank Forrest
1324 E. Forest
Parcel 24-495-000-0009-00
231-773-3462

RECEIVED

MAR 13 2000

City Clerks Office

March 6, 2000

City of Muskegon
City Clerk's Office
933 Terrace Street
Muskegon, Michigan 49443

Re: Parcel no. 24-187-007-001 @ 1125 Kampenga

To Whom it May Concern:

I am responding to your request regarding repairing the sidewalk. Thank you for offering a special assessment application, however, it is not needed at this time. I am making plans to have the sidewalk repaired this Spring.

Thank you.

Sincerely,

Bobbie McAfee

Bobbie McAfee

March 8, 2000

Thomas & Dianne Young
1546 Madison
Muskegon MI 49442
(231) 773-9595

To Whom It May Concern:

The Muskegon City Commission has told us that it will cost us \$3,950.00 for the sidewalk replacement program. This is a little steep since next year we will also be taxed for putting the sidewalks in.

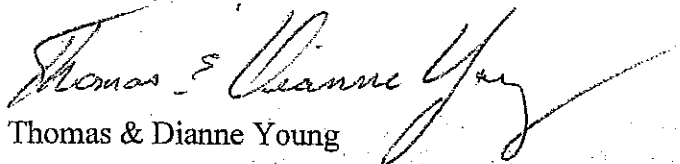
I agree the sidewalk squares on the West side of my home (Front) should be replaced. We have called the Cemetery Dept. twice, which takes care of trees on the terrace. The first time, no one came out to look at the problem and never got back with us. The second time we called, the lady said we don't cut down live trees, just dead ones.

The roots of the tree are 20" from the sidewalk and lifting three sections of sidewalk up. The roots are coming right out of the ground. If the tree is not cut down the problem will reoccur in a few years. By cutting the roots back the tree will be strong only on one side and who will be responsible for damages to property if we should have a good windstorm?

The sidewalk on the southwest side of the lot, from the driveway west, is not in bad condition. The pitting problem is not that bad.

Sidewalk replacement on southeast side of lot, the sidewalk was never put in when the roads were paved in this area. Most of the neighbors have sidewalks, why wasn't it mandatory to put the sidewalk in back then. I didn't live in this area when roads and sidewalks were put in and feel this isn't right because we bought into the City of Muskegon where the sidewalks should have been done back then.

Thank You,


Thomas & Dianne Young

RECEIVED
MAR 10 2000
City Clerks Office

RECEIVED

MAR 09 2000

City Clerks Office

3-8-00

City Clerk
Muskegon, Mi

RE: Parcel No. 24-798-000-0011-00
1185 Kampenga.

Dear Sir/Madam:

I hereby object to
the assessment placed on the
above property. —

Charles R. Fisk.

March 10, 00

Dear Sir,

I do not agree
with fixing the sidewalk
in front of my house.

Sincerely

RECEIVED

MAR 13 2000

City Clerks Office

^{machine.}
Frank P. Pelotea
1838 Valley St.
Quincy, Ill
49442

Parcel No.

61-24-215-004-000

-00

Dear Sir,

I do not agree
with putting the
sidewalks.

Sincerely,
Dorothy Roberts

Parcel No 24-215-004-0008

-28-

RECEIVED

MAR 13 2000

City Clerks Office

at 0

Valley Street

March 12, 2000

Kenneth B & Pamela J. Palmer
1562 Madison St.

Muskegon, MI 49442

Received
3-14-00
5:25pm
JP

I am writing in protest to
sidewalk work to be done on my
property. Reasons for protest are as
given

1. Where work is to be done is
damage incurred by "City" contractors
when they razed the building in the next
lot. They also removed a tree next
to the cement drive cracking, breaking
and raising the slab and surrounding
curb.

March 14, 2000

To City of Muskegon

I am writing this letter to protest this special assessment of repairs of the sidewalk of 920 Fleming.

I don't believe some of the walk that is marked for repair needs to be repaired.

Janet and William Bailey
798-3406

Received
3-14-00
5:25 PM
JP

RECEIVED
CITY OF MUSKEGON

MAR 21 2000

ENGINEERING DEPT.

Ruth & Barbara O'Banner
1360 Winter Street
Muskegon, Michigan 49442
231-767-1928

To Whom it may Concern

Due to Health reason My Husband and I are unable to attend this Meeting but we would like to send our response to the City of Muskegon Street Assessment. We have looked over our side walks & drive way, we see some depreciation to the concrete and we would surely understand if you all feel the need to upgrade the side walks. Unfortunately we are unable to carry our share of this burden due to the lack of monthly income, plus I was always told that the side walks was the responsibility of the city. And I always thought that's why we pay taxes so the city would have the money they need for our side walks and our streets. If this is incorrect I am sorry for the assumption.

Mr & Mrs. O'Banner

RECEIVED

CITY OF MUSKEGON

MAR 21 2000

Re: Parcel No. 24-285-001-0019-00 at
889 E **ENGINEERING DEPT.** Mr. Donald L. Seals

To whom it may concern, I am writing this letter to express my concern and opinion on this Special Assessment Project. I am not able to attend your meeting on March 14, 2000 @ 5:30pm, but would like to just point out a few things that I feel you need to consider.

I stepped outside to look at my front walk and drive at the property stated above, as well as a few neighbors, and I don't see why I should be included w/ this special assessment —

I do understand the goal to what you are trying to accomplish and I somewhat agree. But I am requesting to be excused from this assessment due to the fair condition of my walk and drive.

I also feel that your funding ideas for this project should be re-examined, due to the high expense that may be included with this assessment.... This is a very costly project and I feel that the city should not only help the low income and disabled but also consider →

1 - Splitting the cost in general, due to the fact that a great deal of the money that the City now possess, came directly from the taxpayers.

For an example - I just purchased this property 7 months ago, being a single man, ~~has~~ and have already paid out almost \$800.00 in property taxes on top of what I already pay from my place of employment, All for what??? (Where does it go?)

I feel it is not fair, paying out all that money and still carry the whole burden of this Assessment alone. After all, this is a City/owner matter, should it we share?

So please consider what I have mentioned in this Letter and discuss it at your hearing March 14, 2000 @ 5:30pm, in order to find another Funding Solution.

Thank you

Donald L. Seals

Donald L. Seals

SIDEWALK PROGRAM COMPARISON

1994 TO 2000

	ITEM OF WORK	UNIT	1994 UNIT PRICE	1995 UNIT PRICE	1996 UNIT PRICE	1997 UNIT PRICE	1998 UNIT PRICE	1999 UNIT PRICE	2000 UNIT PRICE
1	BORROW FILL	CU YD	\$45.00	\$45.00	\$10.00	\$12.00	\$15.00	\$15.00	\$15.00
2	CEMENT	TON	\$155.00	\$155.00	\$100.00	\$125.00	\$150.00	\$150.00	\$150.00
3	CONCRETE CURB, 6" X 14"	L FT	\$18.00	\$18.00	\$20.00	\$17.00	\$18.00	\$18.00	\$18.00
4	CONCRETE CURB & GUTTER, AS DIRECTED	L FT	\$18.00	\$18.00	\$20.00	\$17.00	\$20.00	\$20.00	\$20.00
5	CONCRETE DRIVE APPROACH, 6"	SQ YD	\$30.10	\$30.10	\$5.00	\$28.00	\$28.00	\$28.00	\$27.00
6	CONCRETE SIDEWALK, 4"	SQ FT	\$3.00	\$3.00	\$3.00	\$2.80	\$3.00	\$3.00	\$2.85
7	CONCRETE SIDEWALK, 6"	SQ FT	\$3.40	\$3.40	\$4.50	\$4.30	\$4.00	\$4.00	\$3.35
8	CONCRETE SIDEWALK RAMP, TYPE I OR TYPE III	SQ FT	\$3.02	\$3.02	\$5.00	\$3.50	\$3.50	\$3.50	\$3.65
9	EXCAVATION	CU YD	\$37.00	\$37.00	\$6.00	\$6.00	\$10.00	\$10.00	\$10.00
10	REMOVING CONCRETE CURB	L FT	\$6.10	\$6.10	\$6.00	\$5.00	\$5.00	\$5.00	\$5.00
11	REMOVING CONCRETE CURB & GUTTER	L FT	\$7.10	\$7.10	\$10.00	\$8.50	\$10.00	\$10.00	\$10.00
12	REMOVING CONCRETE DRIVE APPROACH	SQ YD	\$7.24	\$7.24	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
13	REMOVING CONCRETE SIDEWALK	SQ FT	\$1.13	\$1.13	\$1.50	\$1.40	\$1.50	\$1.50	\$1.30
14	ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES	EACH	\$20.00	\$50.00	\$10.00	\$15.00	\$25.00	\$25.00	\$25.00
15	ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES	EACH	\$12.50	\$60.00	\$15.00	\$25.00	\$50.00	\$50.00	\$50.00
16	ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30"	EACH	\$13.00	\$90.00	\$20.00	\$50.00	\$75.00	\$75.00	\$75.00

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Recommendation for Annual Renewal of Liquor Licenses

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code or Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 31, 2000, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

2000-32(d)
RESOLUTION RECOMMENDING STATE WITHHOLD
RENEWAL OF LIQUOR LICENSES FOR CODE
VIOLATIONS

THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that
whereas, the following business establishments in the City of Muskegon have liquor
licenses and are found to be in violation of Article XIII, Section 5-270 and 5-271 of the
Code of Ordinances of the City of Muskegon:

SEE ATTACHED LIST OF VIOLATIONS

AND WHEREAS, a hearing was held on March 14, 2000, before the City Commission to
allow such licensees an opportunity to refute the determination of the City Commission
that such establishments are in non-compliance with the City Code of Ordinances and
renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-
Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon hereby recommends that these liquor licenses not be approved for renewal,
and a copy of this Resolution be sent to the State Liquor Control Commission. If any of
these establishments come into compliance before March 31, 2000, they will be removed
from this Resolution.

Approved and adopted this 14th day of March, 2000.

AYES: Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson

NAYS: None

ABSENT: Schweifler (excused)

By: _____


Fred J. Nielsen, Mayor

By: _____


Gail A. Kunding, City Clerk

LIST OF VIOLATIONS

<u>BUSINESS</u> <u>NAME</u>	<u>ADDRESS</u>	<u>FORM</u>	<u>REG.</u> <u>FEE</u>	<u>C/O</u>	<u>\$ DUE</u>
H & J Party Store	1813 Getty	X	X		3,184.23
H & J Market	381 Laketon	X	X		2,670.08
Kwik-Way	45 E Muskegon	X	X		965.16
Brutters	978 Pine			X	592.10

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 14, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, City Clerk

2000 Liquor License Renewal

Address	Name	Application	Paid	Police	Treasurer	Inspections
821 Apple	Rite-Aid			X	\$44.00	X
1480 Apple	Pizza Hut			X	X	X
1301 Apple	Dasmesh Mart	X	X	X	X	X
2330 Barclay	Moose 491	X	X	X	X	X
1601 Beach	Jalapeno's			X	\$2,289.77	X
1635 Beidler	Westside Inn	X	X	X	X	X
3198 Edgewater	Muskegon Yacht Club	X	X	X	X	X
817 Forest	Clover Bar	X	X	X	\$29.06	X
3425 Fulton	Harbour Towne Yacht Club	X	X	X	X	X
1431 Getty	K.B.'s Market	X	X	X	\$60.00	X
1500 Getty	Tom's Drink All	X	X	X	X	X
1813 Getty	H & J Party Store			X	\$3,184.23	X
157 Getty	Joey's Place			X	X	X
165 Getty	VFW	X	X	X	X	X
1992 Getty	Express Lane	X	X	X	X	X
1100 Hackley	Sunny Mart	X	X	X	X	X
1014 Hackley	Polish Falcons	X	X	X	X	X
1890 Henry	Polish Roman Catholic			X	X	X
2064 Henry	DJ's Pub	X	X	X	X	X
2185 Henry	Adolph's	X	X	X	\$1,083.66	X
2410 Henry	Doo Drop Inn	X	X	X	X	X
2536 Henry	Sardine Room	X	X	X	X	X
2590 Henry	Pizza Hut			X	X	X
1763 Lakeshore	Muskegon Rec. Club	X	X	X	X	X
1777 Lakeshore	Lakeside Club	X	X	X	X	X
1930 Lakeshore	Lakeview Mart	X	X	X	X	X
1963 Lakeshore	Lakeshore Tavern			X	X	X
1965 Lakeshore	Lakeside Pharmacy	X	X	X	\$343.94	X
1983 Lakeshore	Marine Tap & Grill	X	X	X	X	X
1991 Lakeshore	Etterman's Super Market			X	\$1,519.37	X
2020 Lakeshore	Sorrento's USA Café	X	X	X	X	X
2801 Lakeshore	Muskegon Country Club	X	X	X	X	X
3006 Lakeshore	Bayside Centre	X	X	X	\$2,038.87	X
3132 Lakeshore	Line Lodge 57	X	X	X	X	X
3200 Lakeshore	Beach Party Store	X	X	X	X	X
381 Laketon	H & J Market			X	\$2,670.08	X
939 Laketon	Bohn's Pharmacy			X	\$251.35	X
1163 Laketon	Flamingo II	X	X	X	X	X
313 Laketon	Time Out	X	X	X	X	X
677 Laketon	Main Event	X	X	X	\$1,335.02	X
746 Laketon	Wayne's Deli	X	X	X	X	X
812 Laketon	Express Lane	X	X	X	X	X
1031 Laketon	Sand-Bar	X	X	X	X	X
1075 Laketon	Wesco #13	X	X	X	X	X
3505 Marina View Pt	Docker's Waterfront Café			X	\$3,658.80	X
2021 Marquette	Shiva Mart			X	\$23.14	X

45 E Muskegon	Kwik-Way			X	\$965.16	X
149 Ottawa	Lodge 1397	X	X	X	X	X
1934 Peck	Griff's, Inc.	X	X	X	X	X
915 Pine	J. P. Allen's	ESCROWED LICENSE - BUILDING TORN DOWN				
978 Pine	Brutters	X	X	X	\$898.08	
871 Pulaski	Pulaski Lodge	X		X	X	X
2390 Sherman	Super Stop	X	X	X	\$318.39	X
1825 Sherman	Applebees	X	X	X	X	X
840 W Sherman	Walgreen	BEING TRANSFERRED TO 860 W SHERMAN				
1300 W Sherman	Porthole	X	X	X	X	X
1308 W Sherman	Landmark	X	X	X	X	X
1508 W Sherman	Someplace Else			X	\$379.83	X
631 W Southern	Frontier Liquor Shoppe	X	X	X	X	X
601 Terrace Point	Rafferty's Restaurant	X	X	X	X	X
939 Third	Holiday Inn			X	X	X
1157 Third	Muskegon Family Foods	X	X	X	\$286.00	X
415 W Western	Ashley-Chandler, Ltd.	X	X	X	X	X
441 W Western	Brunswick	X	X	X	X	X
446 W Western	Racquets	X	X	X	X	X
452 W Western	AJ Capone's	X	X	X	X	X
470 W Western	L. C. Walker Arena	X	X	X	X	X
555 W Western	Mike's	X	X	X	X	X
625 W Western	Eagles 668	X	X	X	X	X
1149 Wood	Wood Street Market	X	X	X	X	X

TO: Detective Sgt. Dean Roesler
FROM: Det. Kurt Dykman
DATE: 2-15-00
RE: Annual Renewal
City Liquor Licensed Establishments

RECEIVED
FEB 17 2000
MUSKEGON POLICE DEPT.
CHIEF of POLICE

On 2-9-00 I received a listing of all licensed liquor establishments in the city of Muskegon from the city clerks office as received by the Liquor Control Commission. A 1999 incident search was done on each establishment with attention given to any alcohol/liquor reports. No major problems were evident but there were several establishments that have been cited for the sale of alcohol to minors, some of those have served a three-day suspension of their license.

Listed below are those with records of those sales:

K.B.'s Market, 1431 Getty – one (1) sale to minor.
Tom's Drink All, 1500 Getty - two (2) sales/minor on the same day. Suspension served
H&J Party Store, 1813 Getty – two (2) sales/minor on the same day.
Express Lane, 1992 S. Getty – one (1) sale to minor.
Sunny Mart, 1100 Hackley – one (1) sale to minor.
H&J Market, 381 Laketon – one (1) sale to minor. Serving suspension, 2-8 to 2-22.
Laketon Pharmacy (Bohn's) – two (2) sales to minors. Suspension served.
Express Lane, 812 W. Laketon – served three day suspension.
Kwik-Way, 45 E Muskegon – served three day suspension.
Super Stop, 2390 Sherman – one (1) sale to minor.
Applebee's, 1825 E. Sherman – one (1) sale to minor.
Frontier Mart, 631 W. Southern – one (1) sale to minor.
Brunswick Lanes, 441 W. Western – one (1) sale to minor.

The reported incidents at 1149 Wood Street, Wood Street Market, out number any other establishment in the city. Part of those shown were 37 disorderly person, 24 disorderly conduct, 3 drug and 2 weapons complaints. There were no alcohol violations that required LCC action.

Respectfully submitted,



Detective Kurt Dykman

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

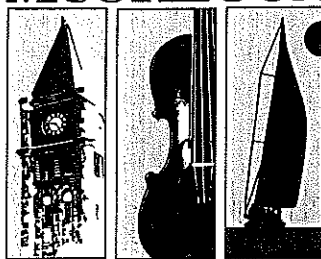
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

TO: LINDA POTTER, DEPUTY CLERK
FROM: INSPECTION SERVICES *SH*
DATE: MARCH 7, 2000
RE: LIQUOR LICENSE RENEWALS

The following establishment(s) are not being recommended by the Inspection Services Department for liquor license renewal:

Brutter's 978 Pine St.

The above is due to the re-occurrence of violations being noted on previous bi-annual inspections.

RBG/lh

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
LIQUOR LICENSE RENEWALS

Please take notice that a public hearing will be held on Tuesday, March 14, 2000, at 5:30 p.m. for the renewal of liquor licenses held within the City of Muskegon. The Public Hearing will be held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan. Any interested person wishing to address the City Commission regarding this matter is welcome to attend and voice their opinions.

Gail A. Kunding, CMC/AAE
Muskegon City Clerk

Please publish: February 26 and March 4, 2000

Acct. #101-20215-5354

STANDARDS FOR CITY OF MUSKEGON'S ISSUANCE,
TRANSFER, RENEWAL OR REVOCATION OF
LIQUOR LICENSES WITHIN THE CITY OF MUSKEGON
TO ALL LIQUOR LICENSEES LICENSED WITH THE
CORPORATE LIMITS OF THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the City of Muskegon will oppose the issuance, renewal or transfer and will move to revoke any existing liquor license issued by the Michigan Liquor Control Commission for the sale of intoxicating spirits within the City of Muskegon if any of the following conditions exist:

1. The licensee or proposed licensee is not of good moral character.
2. The licensee or proposed licensee does not have sufficient assets for the successful operation of the licensed premises.
3. The location of the licensed premises has caused, will or is likely to cause law enforcement problems beyond the present capability of the City's law enforcement department to meet.
4. The licensed premises or premises proposed by be licensed does not comply with established zoning ordinances, or building, health, safety and fire codes.
5. The licensee or proposed licensee is not current in payment to the City of Muskegon for taxes, assessments, utilities or other debts.
6. The licensee or proposed licensee has not filed an Applicant Questionnaire with the Muskegon City Clerk, City Hall.

Gail A. Kunding
Muskegon City Clerk

publish: 2-14-00

acct # 101-20215-5354

ARTICLE XIII. SALE OF BEER, WINE AND SPIRITS***Sec. 5-270. Applications for issuance or renewal, transfer of ownership or location, or revocation, of license to sell beer, wine or spirits—Submission; contents.**

Applications for approval by the city of the issuance, transfer of owner or location, or renewal of any license to sell beer, wine or spirits shall be made to the city commission, in writing, signed by the applicant, and shall contain the following information:

- (a) Applications for issuance of a new license, or transfer of an existing license to a new licensee or transfer of an existing license to a new location:
 - (1) The name, age and address of the applicant, in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person;
 - (2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization;
 - (3) The character of business of the applicant, and in the case of a corporation, the object for which it was formed;
 - (4) The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued;
 - (5) The location and description of the premises or place of business which is to be operated under such license;
 - (6) A statement of whether the applicant has made application for a similar or other license on premises other

*Editor's note—Article XIII, §§ 5-270—5-272, is derived from provisions of Ord. No. 887, enacted July 26, 1983; inasmuch as said ordinance did not designate a § 5-272, provisions originally designated as § 5-273 have been renumbered as § 5-272, at the city's instruction. Provisions establishing an effective date ten days after passage of said ordinance, designated within the ordinance as § 5-274, have been left uncoded, at the discretion of the editor.

than described in this application, and the disposition of such application;

- (7) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the State of Michigan;
- (8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the city in the conduct of its business;
- (9) The application shall be accompanied by building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening, and noise control;
- (10) A statement that the applicant is in possession of a certificate of occupancy, as required under city ordinances, permitting occupancy of the licensed premises or of the premises to be licensed;
- (11) A statement from the applicant and, when applicable, applicant's transferor, that all personal property taxes and other fees and charges lawfully due the city from either applicant or applicant's transferor are fully paid.

(b) Applications for renewal of an existing license:

- (1) The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued;
- (2) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the State of Michigan;
- (3) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the city in the conduct of its business;

- (4) A statement that the applicant is in possession of a current certificate of occupancy, as required under city ordinances, permitting occupancy of the licensed premises;
 - (5) A statement from the applicant that all personal property taxes and other fees and charges lawfully due the city from the applicant are fully paid.
- (c) Applications for revocation of an existing license:
- (1) The name and address of the applicant;
 - (2) The name and address of the licensee and the location of the licensed premises;
 - (3) A statement of the reasons why the city commission should recommend revocation of the license. (Ord. No. 887, 7-26-83)

Sec. 5-271. Same—Standards to be applied by the city commission in approving or denying applications.

The following are standards which shall govern the city commission in granting or denying any application for issuance, renewal, transfer to a new licensee or a new location, or revocation of any license to sell beer, wine and spirits:

- (a) The applicant, or the partners or shareholders of the applicant, must be of good moral character whose criminal record evidences the applicant's willingness and ability to obey city ordinances, state and federal laws, and the regulations of the Michigan Liquor Control Commission;
- (b) The chief of police has recommended granting of the application; provided, however, that the chief of police, in determining whether or not to recommend granting of the application, shall apply as standards in so doing, those standards set forth in this Article XIII;
- (c) The applicant must demonstrate, upon request of the city manager, that he has sufficient assets for the successful operation of the licensed premises;
- (d) The licensed premises has not caused nor will be likely to cause law enforcement problems to the degree or extent

that effective law enforcement in the remainder of the city has been, or will be, impaired or denied;

- (e) The licensed premises, or premises proposed to be licensed, has in full force and effect a certificate of occupancy as required pursuant to city ordinances;
- (f) The applicant or applicant's transferor is current in payment to the city of personal property taxes, assessments, utilities and any other lawful charges due the city;
- (g) That the licensed premises, or premises proposed to be licensed, has adequate off-street and on-street parking, lighting, refuse disposal facilities, screening, and noise or nuisance control.
- (h) The licensed premises, or premises proposed to be licensed, is reasonably harmonious with adjacent land uses and with the attitudes of adjacent residents and property owners; and that the premises have convenient access from abutting roads which are capable of accommodating increased commercial activity. (Ord. No. 887, 7-26-83)

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

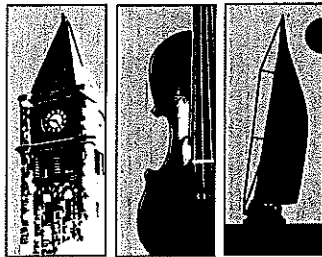
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

February 9, 2000

To Whom It May Concern:

The City Commission of the City of Muskegon will be holding a public hearing on Tuesday, March 14, 2000, at 5:30 p.m. for the renewal of liquor licenses that are located within the City Limits.

Enclosed is a Renewal Questionnaire that must be completed and returned by Monday, March 6, 2000, along with a copy of your Certificate of Occupancy. Also, all debts that are due to the City of Muskegon must be paid at this time, and a check for \$100 for the liquor license renewal must be sent.

If you have any questions, please do not hesitate to call me at (231) 724-6916.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Coburn".

Gloria Coburn
Departmental Secretary

Enc.

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 10 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 12989
Address : 821 APPLE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : RITE AID OF MICHIGAN, INC. Phone : (231)722-7123 File No : G-15924
DBA : RITE-AID DISCOUNT PHARMACY #3326
License : SDD-18901-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES
License : SDM-19150-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 03 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 6682
Address : 1480 APPLE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : MICHIGAN PIZZA HUT, INC. Phone : (616)983-3888 File No : G-9465
DBA : PIZZA HUT
License : TAVERN-16-1999 **Non-Transferable :** No **Permits :** FOOD

Bus Type : R Retail Major : 11 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 13739
Address : 1301 E APPLE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : SINGH, GURMEET Phone : (231)777-3696 File No : G-16634
DBA : DASMESH MART
License : SDM-2721-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 11 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 13352
Address : 1501 E APPLE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : KMART CORPORATION Phone : (231)777-2516 File No : G-17059
DBA : KMART
License : SDM-1127-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 09 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 8267
Address : 2330 BARCLAY, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : LOYAL ORDER OF MOOSE 491 Phone : (231)759-0212 File No : G-1324
DBA :
License : CLUB-20279-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANC-ENT, OD-SERV

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 4495
Address : 1601 BEACH, MUSKEGON, MI, 49441			
Current LGU Name : MUSKEGON CITY	LGU : G375		
Original LGU Name : MUSKEGON CITY	Bars : 2		
Licensee : MARQUETTE, INC.	Phone : (231)755-5400	File No : G-15990	
DBA : JALAPENO'S BEACH BAR			
License : CLASSC-6902-1999	Non-Transferable : No	Permits : SUNDAY SALES, FOOD, DANCE, ENT-WO, OD-SERV	
License : SDM-18506-1999	Non-Transferable : No	Permits :	

Bus Type : R Retail Major : 01 Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 247
Address : 1635 BEIDLER, MUSKEGON, MI, 49441			
Current LGU Name : MUSKEGON CITY	LGU : G375		
Original LGU Name : MUSKEGON CITY	Bars : 1		
Licensee : STAR 4, INC.	Phone : (231)722-9315	File No : G-15513	
DBA : WESTSIDE INN			
License : CLASSC-389-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE	
License : SDM-13947-1999	Non-Transferable : No	Permits :	

Bus Type : R Retail Major : 09 Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 8270
Address : 3198 EDGEWATER, MUSKEGON, MI, 49441			
Current LGU Name : MUSKEGON CITY	LGU : G375		
Original LGU Name : MUSKEGON CITY	Bars : 0		
Licensee : MUSKEGON YACHT CLUB	Phone : (231)755-1414	File No : G-2259	
DBA :			
License : CLUB-20282-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE	

Bus Type : R Retail Major : 01 Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 131452
Address : 817 FOREST, MUSKEGON, MI, 49442			
Current LGU Name : MUSKEGON CITY	LGU : G375		
Original LGU Name : MUSKEGON CITY	Bars : 1		
Licensee : BREWER ENTERPRISES II, INC.	Phone : (231)773-1137	File No : G-17410	
DBA : CLOVER BAR			
License : CLASSC-73442-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE	
License : SDM-73443-1999	Non-Transferable : No	Permits :	

Bus Type : R Retail Major : 09 Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 9091
Address : 3425 FULTON, MUSKEGON, MI, 49441			
Current LGU Name : MUSKEGON CITY	LGU : G375		
Original LGU Name : MUSKEGON CITY	Bars : 0		
Licensee : HARBOUR TOWNE YACHT CLUB	Phone : (231)755-4892	File No : G-16202	
DBA :			
License : CLUB-21267-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE, OD-SERV	
License : SDM-2590-1999	Non-Transferable : No	Permits :	

LICENSEE LISTINGS
BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 11 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 14811
Address : 1431 GETTY, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : BOONE, SHAUNA S Phone : (231)722-6488 File No : G-16387
DBA : K. B.'S MARKET
License : SDM-7205-1999 Non-Transferable : No Permits :

Bus Type : R Retail Major : 10 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 12710
Address : 1500 GETTY, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : STAR 5, INC. Phone : (231)777-6073 File No : G-15914
DBA : TOM'S DRINK ALL
License : SDD-18505-1999 Non-Transferable : No Permits : SUNDAY SALES
License : SDM-546-1999 Non-Transferable : No Permits :

Bus Type : R Retail Major : 11 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 15984
Address : 1813 GETTY, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : H & J, INC. Phone : (231)728-2587 File No : G-16264
DBA : H & J PARTY STORE
License : SDM-12071-1999 Non-Transferable : No Permits :

Bus Type : R Retail Major : 01 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 1614
Address : 157 N GETTY, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 2
Licensee : JOEY'S PLACE, INC. Phone : (231)726-5041 File No : G-16295
DBA : JOEY'S PLACE
License : CLASSC-2538-1999 Non-Transferable : No Permits : SUNDAY SALES, FOOD, DANCE, OD-SERV
License : SDM-7773-1999 Non-Transferable : No Permits :

Bus Type : R Retail Major : 09 Mw Major : County ID : 61 County : MUSKEGON Bus ID : 8273
Address : 165 N GETTY, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY LGU : G375
Original LGU Name : MUSKEGON CITY Bars : 0
Licensee : VETERANS OF FOREIGN WARS, POST #446 Phone : (231)722-3282 File No : G-2087
DBA :
License : CLUB-20286-1999 Non-Transferable : No Permits : SUNDAY SALES, DANC-ENT

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 11 Mw Major :	County ID : 61 County : MUSKEGON	Bus ID : 17547
Address : 1992 S GETTY, MUSKEGON, MI, 49442		
Current LGU Name : MUSKEGON CITY	LGU : G375	
Original LGU Name : MUSKEGON CITY	Bars : 0	
Licensee : CINDY'S FOOD MARTS, INC.	Phone : (231)722-1763	File No : G-15885
DBA : EXPRESS LANE		
License : SDM-18618-1999	Non-Transferable : No	Permits : GAS PUMP

Bus Type : R Retail Major : 11 Mw Major :	County ID : 61 County : MUSKEGON	Bus ID : 131132
Address : 1100 HACKLEY, MUSKEGON, MI, 49441		
Current LGU Name : MUSKEGON CITY	LGU : G375	
Original LGU Name : MUSKEGON CITY	Bars : 0	
Licensee : SINGH, CHARANJIT	Phone : (231)759-0120	File No : G-17411
DBA : SUNNY MART		
License : SDM-73460-1999	Non-Transferable : No	Permits :

Bus Type : R Retail Major : 09 Mw Major :	County ID : 61 County : MUSKEGON	Bus ID : 8700
Address : 1014 W HACKLEY, MUSKEGON, MI, 49441		
Current LGU Name : MUSKEGON CITY	LGU : G375	
Original LGU Name : MUSKEGON CITY	Bars : 0	
Licensee : POLISH FALCONS LODGE-276	Phone : (231)755-1232	File No : G-959
DBA :		
License : CLUB-20789-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE

Bus Type : R Retail Major : 09 Mw Major :	County ID : 61 County : MUSKEGON	Bus ID : 8344
Address : 1890 HENRY, MUSKEGON, MI, 49441		
Current LGU Name : MUSKEGON CITY	LGU : G375	
Original LGU Name : MUSKEGON CITY	Bars : 0	
Licensee : POLISH ROMAN CATHOLIC UNION OF AMERICA, ST. MICHAEL'S LODGE # 78	Phone : (231)755-6279	File No : G-2804
DBA :		
License : CLUB-20364-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE
License : SDM-11972-1999	Non-Transferable : No	Permits :

Bus Type : R Retail Major : 01 Mw Major :	County ID : 61 County : MUSKEGON	Bus ID : 1793
Address : 2064 HENRY, MUSKEGON, MI, 49441		
Current LGU Name : MUSKEGON CITY	LGU : G375	
Original LGU Name : MUSKEGON CITY	Bars : 1	
Licensee : STAR 8, INC.	Phone : (231)755-2791	File No : G-16061
DBA : DJ'S PUB		
License : CLASSC-2804-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE
License : SDM-6171-1999	Non-Transferable : No	Permits :

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 3636
Address : 2185 HENRY, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : TAVERN ON HENRY, INC. **Phone :** (616)759-0046 **File No :** G-16304
DBA : ADOLPH'S
License : CLASSC-5589-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, ENT-WO
License : SDM-5015-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 5117
Address : 2410 HENRY, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 2
Licensee : DOO DROP INN, WEST, INC. **Phone :** (231)755-3791 **File No :** G-13999
DBA : DOO DROP INN
License : CLASSC-7855-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, FOOD, DANCE
License : SDM-17854-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 4594
Address : 2546 HENRY, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : TOP SPIN, INC. **Phone :** (231)755-5008 **File No :** G-17129
DBA : THE SARDINE ROOM
License : CLASSC-7047-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, FOOD, DANCE
License : SDM-11055-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 03 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 6713
Address : 2590 HENRY, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : MICHIGAN PIZZA HUT, INC. **Phone :** (616)983-3888 **File No :** G-10292
DBA : PIZZA HUT
License : TAVERN-116-1999 **Non-Transferable :** No **Permits :** FOOD

Bus Type : R Retail Major : 09 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 8269
Address : 1763 LAKESHORE, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : MUSKEGON RECREATION CLUB **Phone :** (231)755-7217 **File No :** G-515
DBA :
License : CLUB-20281-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 09 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 8348
Address : 1777 LAKESHORE, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : LAKESIDE CLUB INC. **Phone :** (231)755-2763 **File No :** G-2830
DBA :
License : CLUB-20369-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANC-ENT, OD-SERV

Bus Type : R Retail Major : 11 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 17053
Address : 1930 LAKESHORE, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : FELINSKI, BILL W **Phone :** (231)759-8624 **File No :** G-13047
DBA : LAKEVIEW MART
License : SDM-16552-1999 **Non-Transferable :** No **Permits :** GAS PUMP

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 2212
Address : 1963 LAKESHORE, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : LAKESHORE TAVERN, INC. **Phone :** (231)759-7604 **File No :** G-16614
DBA : LAKESHORE TAVERN
License : CLASSC-3418-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE
License : SDM-18283-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 10 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 12446
Address : 1965 LAKESHORE, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : LAKESIDE PHARMACY, INC. **Phone :** (231)755-2673 **File No :** G-15589
DBA : LAKESIDE PHARMACY
License : SDD-18075-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES
License : SDM-15347-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 1683
Address : 1983 LAKESHORE, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : MARINE TAP ROOM, INC. **Phone :** (616)755-5581 **File No :** G-14780
DBA : MARINE TAP & GRILL
License : CLASSC-2644-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES
License : SDM-15268-1999 **Non-Transferable :** No **Permits :**

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 11 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 17076
Address : 1991 LAKESHORE, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY	LGU : G375			
Original LGU Name : MUSKEGON CITY	Bars : 0			
Licensee : ETTERMAN'S SUPER MARKET, INC.	Phone : (231)759-0382	File No : G-11129		
DBA :				
License : SDM-16639-1999	Non-Transferable : No	Permits : DIR-CON - 1		

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 2835
Address : 2020 LAKESHORE, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY	LGU : G375			
Original LGU Name : MUSKEGON CITY	Bars : 1			
Licensee : SORRENTO RESTAURANT, INC.	Phone : (231)755-7454	File No : G-16047		
DBA : SORRENTO'S USA CAFE				
License : CLASSC-4356-1999	Non-Transferable : No	Permits : SUNDAY SALES		

Bus Type : R Retail Major : 09 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 8268
Address : 2801 LAKESHORE, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY	LGU : G375			
Original LGU Name : MUSKEGON CITY	Bars : 0			
Licensee : MUSKEGON COUNTRY CLUB	Phone : (231)755-3737	File No : G-1544		
DBA :				
License : CLUB-20280-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANC-ENT, OD-SERV		
License : SDM-6606-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 4352
Address : 3006 LAKESHORE, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY	LGU : G375			
Original LGU Name : MUSKEGON CITY	Bars : 1			
Licensee : PINK SHELL, INC.	Phone : (616)759-1221	File No : G-17013		
DBA : BAYSIDE CENTRE				
License : CLASSC-6685-1999	Non-Transferable : No	Permits : SUNDAY SALES, FOOD, DANCE, ENT-WO, OD-SERV, DIR-CON - 2		
License : SDM-13179-1999	Non-Transferable : No	Permits : DIR-CON - 2		

Bus Type : R Retail Major : 09 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 8266
Address : 3132 LAKESHORE, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY	LGU : G375			
Original LGU Name : MUSKEGON CITY	Bars : 0			
Licensee : LINNE LODGE 57, I.O.V.	Phone : (231)755-1892	File No : G-1494		
DBA :				
License : CLUB-20278-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE		

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 10 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 17494
Address : 3200 LAKESHORE, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : BEACH PARTY STORE, INC.		Phone : (616)755-3381	File No : G-16029	
DBA : BEACH PARTY STORE				
License : SDD-73383-1999	Non-Transferable : No	Permits : SUNDAY SALES, DIR-CON - 3		
License : SDM-18424-1999	Non-Transferable : No	Permits : DIR-CON - 3		

Bus Type : R Retail Major : 11 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 130731
Address : 381 E LAKETON, MUSKEGON, MI, 49442				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : H & J, INC.		Phone : (616)728-0408	File No : G-17345	
DBA : H & J MARKET				
License : SDM-72498-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 10 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 10775
Address : 939 E LAKETON, MUSKEGON, MI, 49442				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : LAKETON PHARMACY, L.L.C.		Phone : (231)722-2436	File No : G-17091	
DBA : BOHN'S PHARMACY				
License : SDD-14200-1999	Non-Transferable : No	Permits :		
License : SDM-1313-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 6155
Address : 1163 E LAKETON, MUSKEGON, MI, 49442				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 1		
Licensee : PNS#9, INC.		Phone : (231)722-1679	File No : G-15030	
DBA : THE FLAMINGO II				
License : CLASSC-9479-1999	Non-Transferable : No	Permits : SUNDAY SALES, FOOD		
License : SDM-16305-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 3015
Address : 313 W LAKETON, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 1		
Licensee : THE CASTLE INN, INC.		Phone : (231)722-9481	File No : G-8547	
DBA : TIME OUT				
License : CLASSC-4616-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANC-ENT		
License : SDM-7573-1999	Non-Transferable : No	Permits :		

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 4853
Address : 677 W LAKETON, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : MAIN EVENT OF MUSKEGON, INC. **Phone :** (231)722-0033 **File No :** G-14501
DBA : MAIN EVENT
License : CLASSC-7459-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANC-ENT
License : SDM-17180-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 10 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 131208
Address : 746 W LAKETON, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : THE BOGS CORP. **Phone :** (231)722-6833 **File No :** G-17370
DBA : WAYNE'S DELI
License : SDD-72921-1999 **Non-Transferable :** No **Permits :**
License : SDM-72922-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 11 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 15021
Address : 812 W LAKETON, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : CINDY'S FOOD MARTS, INC. **Phone :** (231)755-4887 **File No :** G-16069
DBA : EXPRESS LANE
License : SDM-8061-1999 **Non-Transferable :** No **Permits :** GAS PUMP

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 976
Address : 1031 W LAKETON, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : TONY'S SAND BAR, INC. **Phone :** (231)759-0348 **File No :** G-13507
DBA : THE SAND-BAR
License : CLASSC-1531-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE
License : SDM-2883-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 11 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 16027
Address : 1075 W LAKETON, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : WESCO, INC. **Phone :** (231)722-0200 **File No :** G-15722
DBA : WESCO #13
License : SDM-12262-1999 **Non-Transferable :** No **Permits :** GAS PUMP

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 2886
Address : 3505 MARINA VIEW POINT, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 2
Licensee : DOCKERS, INC. **Phone :** (231)755-6292 **File No :** G-16296
DBA : DOCKER'S WATERFRONT CAFE
License : CLASSC-4426-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, FOOD, DANCE, ENT-WO, OD-SERV
License : SDM-8921-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 11 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 15124
Address : 2021 MARQUETTE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : GUPTA, INDU **Phone :** (231)777-2836 **File No :** G-17051
DBA : SHIVA MART
License : SDM-8502-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 10 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 10578
Address : 45 E MUSKEGON, MUSKEGON, MI, 49440
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : H & J, INC. **Phone :** (231)728-2587 **File No :** G-16624
DBA : KWIK-WAY
License : SDD-13755-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES
License : SDM-8045-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 09 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 8754
Address : 149 OTTAWA, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : I.B.P.O.E. OF W. CHARITY LODGE #1397 **Phone :** (231)722-0736 **File No :** G-7970
DBA :
License : CLUB-20856-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 3693
Address : 1934 PECK, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : GRIFF'S, INC. **Phone :** (231)726-2100 **File No :** G-15552
DBA : HALLEY'S TAVERN
License : CLASSC-5686-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES
License : SDM-876-1999 **Non-Transferable :** No **Permits :**

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 2818
Address : 915 PINE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : BPPA ENTERPRISE, INC. **Phone :** (231)728-3207 **File No :** G-11942
DBA : J. P. ALLEN'S
License : CLASSC-4327-1993 **Non-Transferable :** No **Permits :** DANCE

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 1738
Address : 978 PINE, MUSKEGON, MI, 49442
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : BRUTTERS, INC. **Phone :** (231)726-1485 **File No :** G-16317
DBA : BRUTTERS
License : CLASSC-2724-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, FOOD, DANCE, ENT-WO
License : SDM-7509-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 09 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 8271
Address : 871 PULASKI, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : POLISH NATIONAL ALLIANCE CASMIER PULASKI LODGE GROUP **Phone :** (231)755-7551 **File No :** G-2390
 2809
DBA :
License : CLUB-20284-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE

Bus Type : R Retail Major : 10 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 12560
Address : 2390 SHERMAN, MUSKEGON, MI, 49441
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : DAUGHERTY, JEFFREY T **Phone :** (231)755-2966 **File No :** G-15738
DBA : SUPER STOP
License : SDD-18271-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES
License : SDM-9970-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 05 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 7216
Address : 1825 E SHERMAN, MUSKEGON, MI, 49444
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : APPLEBEE'S OF MICHIGAN, INC. **Phone :** (231)737-0345 **File No :** G-16147
DBA : APPLEBEE'S NEIGHBORHOOD GRILL & BAR
License : CC RES-40831-1999 **Non-Transferable :** Yes **Permits :** SUNDAY SALES, FOOD
MCL Code Number: MCL 436.1531(4)

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 10	Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 9976
Address : 840 W SHERMAN, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : WALGREEN CO. (AN ILLINOIS CORPORATION)		Phone : (231)759-8589	File No : G-8921	
DBA :				
License : SDD-12195-1999	Non-Transferable : No	Permits : SUNDAY SALES		
License : SDM-739-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01	Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 3139
Address : 1300 W SHERMAN, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 1		
Licensee : THE PORT HOLE, INC.		Phone : (231)755-1304	File No : G-11049	
DBA : PORTHOLE BAR				
License : CLASSC-4819-1999	Non-Transferable : No	Permits : SUNDAY SALES		
License : SDM-7414-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01	Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 2199
Address : 1308 W SHERMAN, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 1		
Licensee : THE MUSKEGON LANDMARK, INC.		Phone : (231)755-6818	File No : G-13644	
DBA : LANDMARK				
License : CLASSC-3401-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANCE		
License : SDM-11523-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01	Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 1061
Address : 1508 W SHERMAN, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 1		
Licensee : SALLY ANDERSON CORPORATION		Phone : (616)759-8525	File No : G-14132	
DBA : SOMEPLACE ELSE III				
License : CLASSC-1651-1999	Non-Transferable : No	Permits : SUNDAY SALES		
License : SDM-18674-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 10	Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 10868
Address : 631 W SOUTHERN, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : SOUTHERN CORPORATION		Phone : (231)726-6509	File No : G-16823	
DBA : FRONTIER LIQUOR SHOPPE				
License : SDD-14397-1999	Non-Transferable : No	Permits : SUNDAY SALES		
License : SDM-13882-1999	Non-Transferable : No	Permits :		

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 6172
Address : 601 TERRACE POINT, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 3		
Licensee : KEY FOOD & EQUIPMENT COMPANY		Phone : (231)722-4461	File No : G-16548	
DBA : RAFFERTY'S RESTAURANT				
License : CLASSC-9506-1999	Non-Transferable : No	Permits : SUNDAY SALES, FOOD, DANCE, ENT-WO, OD-SERV		
License : SDM-2960-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 06 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 128833
Address : 939 THIRD, MUSKEGON, MI, 49440				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 3		
Licensee : MUSKEGON NIGHTS, INC.		Phone :	File No : G-17211	
DBA : HOLIDAY INN				
License : BH RES-70185-1999	Non-Transferable : Yes	Permits : SUNDAY SALES, DANC-ENT, FOOD, OD-SERV, MISCL		
MCL Code Number: MCL 436.1531(4)				

Bus Type : R Retail Major : 10 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 9203
Address : 1157 THIRD, MUSKEGON, MI, 49441				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : DOWNTOWN MUSKEGON, INC.		Phone :	File No : G-17164	
DBA : MUSKEGON FAMILY FOODS				
License : SDD-10237-1999	Non-Transferable : No	Permits : SUNDAY SALES		
License : SDM-3022-1999	Non-Transferable : No	Permits :		

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 4166
Address : 415 W WESTERN, MUSKEGON, MI, 49440				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 3		
Licensee : ASHLEY-CHANDLER, LTD.		Phone : (231)733-9661	File No : G-16542	
DBA :				
License : CLASSC-6419-1999	Non-Transferable : No	Permits : SUNDAY SALES, DANC-ENT, DIR-CON - 2		
License : SDM-4886-1999	Non-Transferable : No	Permits : DIR-CON - 2		

Bus Type : R Retail Major : 01 Mw Major :		County ID : 61	County : MUSKEGON	Bus ID : 4009
Address : 441 W WESTERN, MUSKEGON, MI, 49440				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 1		
Licensee : BRUNSWICK BOWLING & BILLIARDS CORP. (A DELAWARE CORPORATION)		Phone : (231)725-3250	File No : G-13844	
DBA : BRUNSWICK LANES				
License : CLASSC-6171-1999	Non-Transferable : No	Permits : SUNDAY SALES, BOWLING, CONCOURS		

LICENSEE LISTINGS

BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 3767
Address : 446 W WESTERN, MUSKEGON, MI, 49440
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : SOUTHBOUND, INC. **Phone :** (231)726-4007 **File No :** G-16301
DBA : RACQUETS RESTRUNG DOWNTOWN GRILL
License : CLASSC-5796-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE, ENT-WO
License : SDM-19956-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 100160
Address : 452 W WESTERN, MUSKEGON, MI, 49440
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : KEY FOOD & EQUIPMENT COMPANY **Phone :** (231)722-7663 **File No :** G-17201
DBA : AJ CAPONE'S
License : CLASSC-70077-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 1252
Address : 470 W WESTERN, MUSKEGON, MI, 49440
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 9
Licensee : ARENA CONCESSIONS GROUP, L.L.C. **Phone :** (231)722-5388 **File No :** G-14451
DBA : L.C. WALKER ARENA & CONFERENCE CENTER
License : CLASSC-1962-1999 **Non-Transferable :** Yes **Permits :** SUNDAY SALES, FOOD, DANC-ENT
MCL Code Number: MCL 436.1509

Bus Type : R Retail Major : 01 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 4018
Address : 555 W WESTERN, MUSKEGON, MI, 49440
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 1
Licensee : DINGER, JAMES ADOLPH **Phone :** (616)722-2401 **File No :** G-9340
DBA : MIKE'S
License : CLASSC-6187-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANCE, OD-SERV
License : SDM-9337-1999 **Non-Transferable :** No **Permits :**

Bus Type : R Retail Major : 09 **Mw Major :** County ID : 61 County : MUSKEGON **Bus ID :** 8264
Address : 625 W WESTERN, MUSKEGON, MI, 49440
Current LGU Name : MUSKEGON CITY **LGU :** G375
Original LGU Name : MUSKEGON CITY **Bars :** 0
Licensee : FRATERNAL ORDER OF EAGLES 668 **Phone :** (231)726-5117 **File No :** G-1788
DBA :
License : CLUB-20275-1999 **Non-Transferable :** No **Permits :** SUNDAY SALES, DANC-ENT, CONCOURS
License : SDM-12978-1999 **Non-Transferable :** No **Permits :**

LICENSEE LISTINGS
BY Co., LGU, St. Name, Direction, No.

Bus Type : R Retail Major : 11	Mw Major :	County ID : 61	County : MUSKEGON	Bus ID : 15630
Address : 1149 WOOD, MUSKEGON, MI, 49442				
Current LGU Name : MUSKEGON CITY		LGU : G375		
Original LGU Name : MUSKEGON CITY		Bars : 0		
Licensee : CORNELL, JANICE M		Phone : (231)722-3376		File No : G-16150
DBA : WOOD STREET MARKET				
License : SDM-10533-1999		Non-Transferable : No		Permits :

Total Number of Businesses for	G375	71
Total Number of Businesses for	MUSKEGON	71
Grand Total of All:	71	

LICENSEE LISTINGS

END OF REPORT

(ATTN: This is an Add-On to the Commission Agenda)

AGENDA ITEM _____

TO: Honorable Mayor and City Commissioners
FROM: Administrative Services
DATE: March 10, 2000
RE: Census 2000 Presentation

SUMMARY OF REQUEST

The United States Constitution mandates a census every 10 years to determine how many seats each state will have in the U.S. House of Representatives. But community leaders use it for everything from planning schools and building roads to providing recreational opportunities and managing health-care services.

According to Debi Zant, Local Census Office Manager, beginning March 13, 2000, the Census will kick-off in the Muskegon area. Kick-off sites are Muskegon Heights City Hall between the hours of 2:00 p.m. and 4:00 p.m. and later that evening at Walmart between 5:00 p.m. and 9:00 p.m. April 1, 2000 is Census Day. March 13 – 15, Census Forms / Questionnaire will be mailed to the residents.

The City of Muskegon is very supportive of Census 2000. To that end, the City has provided technical and logistical support to Census staff to help foster a successful Census count within the City of Muskegon. The Commission Chamber is one of the Assistance Centers set up to help residents fill-out their Census Form. This center will be open effective March 15 to April 7 between the hours of 8:00 a.m. to 3:00 p.m.

The City has invited Ms. Zant to make a presentation at the City Commission meeting on March 14, 2000. Ms. Zant's comments will further educate all of us about the critical importance of full participation in this process.

FINANCIAL IMPACT

None.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Staff recommends support of Census 2000 and encourages all residents of the City of Muskegon to participate in the Census because it is in our individual and collective best interest to do so.

Commission Meeting Date: March 14, 2000

Date: March 8, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Alley Vacations in Alberts & Holthe Subdivision, Block 4
(between Henry and Beidler Streets)**

SUMMARY OF REQUEST:

Request for vacation of the south half only of the north/south alley in Alberts & Holthe Subdivision, Block 4, between Henry and Beidler Streets. This request is in response to ongoing issues with DJ's Pub, and is in conjunction with a use variance granted by the Zoning Board of Appeals at their February 8, 2000 meeting.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request for alley vacation. The Fire Marshal has stated that the alley must be not be blocked off, due to fire access issues.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the south half only of the proposed alley with the condition that all City easement rights be retained.

CITY OF MUSKEGON

RESOLUTION 2000-33(a)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the south half only of the alley in Alberts & Holthe Subdivision, Block 4, City of Muskegon; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2000 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the February 22, 2000, and March 14, 2000 City Commission meetings to consider the recommendation of the Planning Commission;

WHEREAS, the City Fire Marshal has stated that the alley must remain open for fire access;

WHEREAS, if the alley were to be vacated, the City cannot legally require that it remain open.

NOW, THEREFORE, BE IT RESOLVED that the City Commission does not deem it advisable for the public interest to vacate and discontinue any portion of the alley;

BE IT FURTHER RESOLVED that the City Commission does hereby declare that the alley in Block 4 of Alberts & Holthe Subdivision shall remain a public alley.

Adopted this 14th day of March, 2000.

Ayes: Nielsen, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

Nays: Nays

Absent: Schweifler (excused)

By: _____

Fred J. Nielsen, Mayor

Attest: _____

Gail A. Kunding, 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 March 14, 2000.

A handwritten signature in blue ink, reading "Gail Kunding", is written over a horizontal line.

Gail Kunding, CMC/AEE
Clerk, City of Muskegon

ROLL CALL/ACTION SHEETS

Present	Name	Action	Ayes	Nays	Comments
	Commissioner Shepherd				<i>to deny request. to vacate the south half of alley.</i>
	Vice Mayor Sieradzki				
	Commissioner Spataro				
	Commissioner Aslakson	M			
	Commissioner Benedict	S			
	Mayor Nielsen				
	Commissioner Schweifler				

*Aslakson
Withdrawn*

ROLL CALL/ACTION SHEETS

Present	Name	Action	Ayes	Nays	Comments
	Vice Mayor Sieradzki		✓		<i>to postpone 2 weeks</i>
	Commissioner Spataro			✓	
	Commissioner Aslakson	M	✓		
	Commissioner Benedict		✓		
	Mayor Nielsen		✓		
	Commissioner Schweifler	S	✓		
	Commissioner Shepherd		✓		

passes.

bring to 1st work session March 14 - on agenda

Commission Meeting Date: February 22, 2000

*Postponed
for 2 weeks*

Date: February 10, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Alley Vacations in Alberts & Holthe Subdivision, Block 4
(between Henry and Beidler Streets)**

SUMMARY OF REQUEST:

Request for vacation of the south half only of the north/south alley in Alberts & Holthe Subdivision, Block 4, between Henry and Beidler Streets. This request is in response to ongoing issues with DJ's Pub (see attached staff report), and is in conjunction with a use variance granted by the Zoning Board of Appeals at their February 8, 2000 meeting (see attached ZBA minutes).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

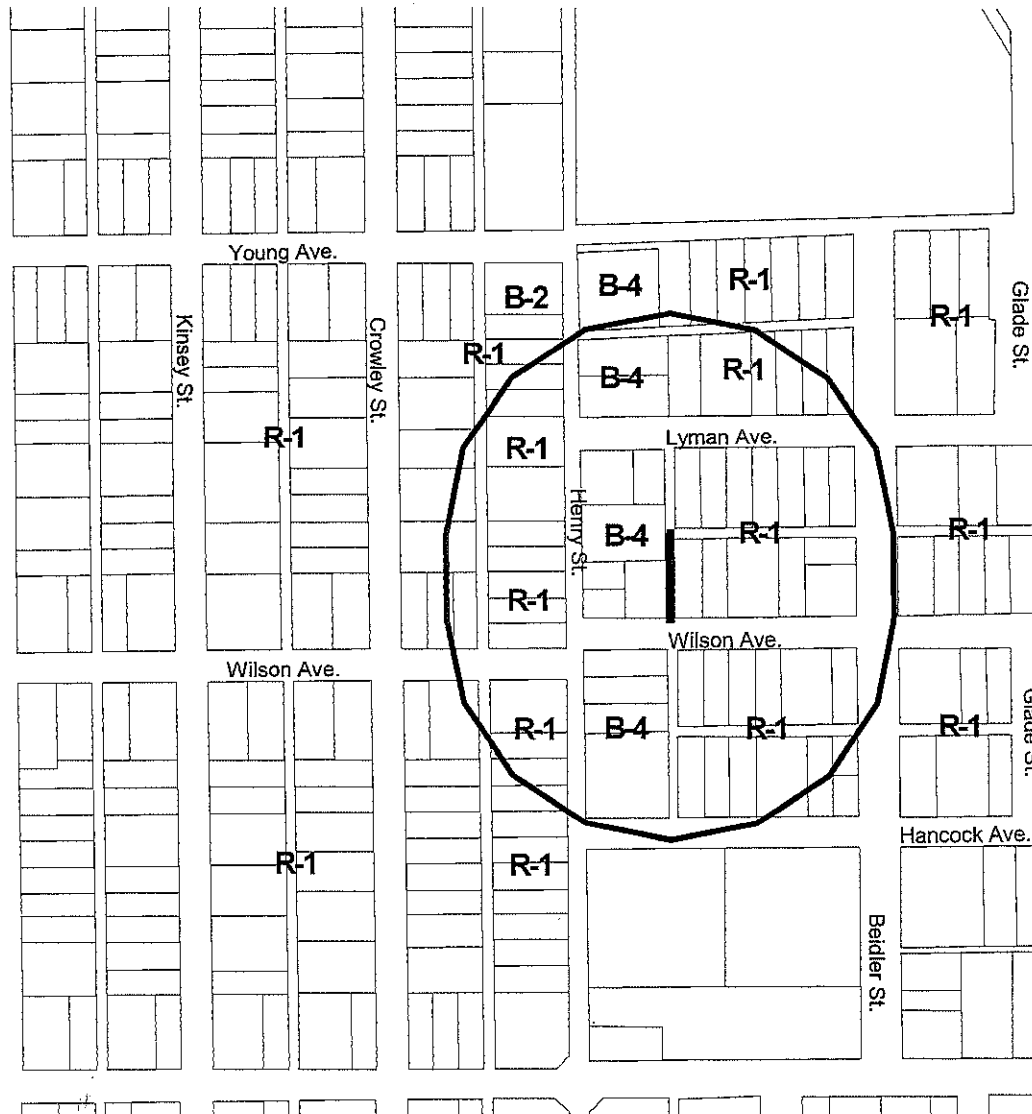
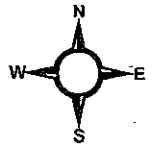
STAFF RECOMMENDATION:

Staff recommends vacation of the south half only of the proposed alley with the condition that all City easement rights be retained. The Fire Marshal has stated that the alley must not be blocked off, due to fire access issues.

COMMITTEE RECOMMENDATION:

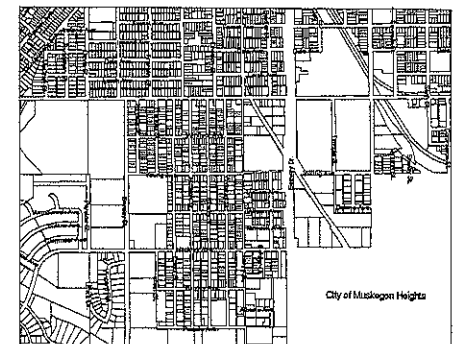
The Planning Commission recommended vacation of the south half only of the proposed alley with the condition that all City easement rights be retained.

City of Muskegon Planning Commission Case #00-4



/ = Subject Property
○ = Notice Area

R-1 = Single-Family Residential
B-2 = Convenience and Comparison Business
B-4 = General Business



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

January 12, 2000

Hearing; Case 2000-4: Request for vacation of the south half only of the north/south alley in Alberts & Holthe Subdivision, Block 4 (between Henry and Beidler Streets), by DJ's Pub.

BACKGROUND

This request has been made by DJ's Pub, in response to discussion with staff regarding a vacant lot owned by DJ's, currently used for overflow parking. The lot is zoned for single-family residential and the current parking use is nonconforming. Staff recommends vacation of the south half of the alley, which lies between the pub and the empty lot in order to give DJ's control and responsibility for maintenance. Pub customers will still be able to exit onto Henry St. or through the alley to the north. DJ's will also be applying to the Zoning Board of Appeals for a use variance for the lot in order to recognize the nonconformity and require some site improvements to reduce impacts on the neighbors. As long as the usual easements and rights, as well as fire access, are maintained the Fire, Engineering and Public Works department have no objections to the vacation of the south half only of the alley.

RECOMMENDATION

Staff recommends approval of the request with the conditions below.

DETERMINATION

The following motions are offered for consideration:

I move that the vacation of the west half only of the north/south alley in Block 346 be (approved/denied), based on (compliance/lack of compliance) with the City's Master Land Use Plan and conditions set forth in Section 2315 of the City of Muskegon Zoning Ordinance (based on the following conditions--only if approved):

1. That all City easements, as well as adequate fire access, be retained.

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

February 8, 2000

The meeting was called to order at 4:10 p.m. by Chairman S. Schiller, and roll was taken.

MEMBERS PRESENT: S. Schiller, D. Narowitz, J. Aslakson, R. Hilt, P. Witherell

MEMBERS ABSENT: C. Kufta, excused

STAFF PRESENT: B. Moore, D. Harrison, L. Anguilm

OTHERS PRESENT: Debbie Schiller, DJ's Pub; Jeannie Houghtaling, 752 Wilson;
Dwight Kushka, 770 Hancock

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of January 11, 2000, was made by J. Aslakson, supported by D. Narowitz and approved by unanimous voice vote.

ELECTION OF OFFICERS

Chairman – A motion to nominate Steve Schiller for Chairman of the Zoning Board of Appeals was made by J. Aslakson and supported by D. Narowitz. No other nominations were received. Steve Schiller accepted the nomination. The motion was unanimously approved.

Vice Chairman – A motion to nominate Raymond Hilt for Vice Chairman of the Zoning Board of Appeals was made by J. Aslakson and supported by D. Narowitz. No other nominations were received. Raymond Hilt accepted the nomination. The motion was unanimously approved.

PUBLIC HEARINGS

Case 2000-02 – Use variance request to permit a vacant lot on Wilson Ave. (between Henry and Beidler Streets), zoned R-1, Single-Family Residential, to be used as extra parking for a business use, by DJ's Pub – The owners of DJ's Pub submitted a request to permit a vacant lot on Wilson to be used as extra parking for a business use. Staff report was given by D. Harrison and B. Moore. This case is the result of several neighbor complaints regarding use of this lot as a parking lot. The lot being used for parking is zoned R-1, Single Family Residential. The DJ's property used to be within township boundaries and apparently the lot has been used for decades as parking. The applicant provided a letter from the previous owner and long time residents indicating that the "parking area" had been that way for years. The south half of the north/south alley in this block has been recommended for vacation by the Planning Commission, although they asked staff to hold off taking it to City Commission for approval pending the outcome of this request of a use variance. Staff pointed out that the City Fire Marshall will not allow this alley to be blocked, since fire access must be maintained. DJ's has been using the vacant lot as overflow parking for their business. The lot is not paved and no screening has been provided for

adjacent homes. The lot needs to be surfaced and adequate screening needs to be provided. One call was received by staff from a neighbor who was mainly concerned about noise, litter and garbage on the lot, and lack of screening. D. Schiller, owner of DJ's Pub, spoke in favor of the request. She stated that she would comply with the screening requirements and would like to improve things for the neighbors. J. Houghtaling asked where people would be parking on the lot. D. Schiller said that they mainly park closest to the alley, but she would put in curb stops if necessary to keep the parking confined to that side of the lot. D. Kushka spoke against the request, citing too much noise and traffic. A motion to close the public hearing was made by J. Aslakson, supported by P. Witherell, and unanimously approved. J. Aslakson felt that this was a historic use on the site, and would be the best way to make sure there is screening provided. A motion to grant the use variance to allow the vacant lot located on Wilson Ave. between Henry and Beidler Streets to be used for extra parking for a business use based on the following review standards: a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district; b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity; and c) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter of the public interest, and based on the following conditions: 1) That the improvements to the property must be complete within one year or the variance is void; 2) The variance is recorded with the deed to keep record of it in the future; 3) A screen on the vacant residential lot be provided, at a minimum at the 25-foot setback off Wilson; 4) A four-foot stockade fence be provided between the existing parking lot and homes to the south of the pub; 5) The overflow parking area must be graded and graveled. A buffer strip of 15 feet from the east property line must remain; 6) The remaining tree on the residential lot must be preserved; 7) A sketch be provided by the property owner that depicts the above conditions being met; 8) Should the business expand, the overflow area must be paved; 9) The Zoning Administrator may require curb stops to protect the 15-foot setback. The motion was made by J. Aslakson, supported by D. Narowitz, and unanimously approved.

There being no further business, the meeting was adjourned at 4:35 p.m.

lja
2/9/00

Date: February 9, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Clean Michigan Grant Applications

SUMMARY OF REQUEST:

To authorize staff to submit a grant application for the redevelopment of Beachwood Park through both the Michigan Natural Resources Trust Fund and the new Clean Michigan Initiative, and to authorize the mayor and clerk to sign the attached resolution.

FINANCIAL IMPACT:

Beachwood Park \$400,000 grant - \$105,000 local match

BUDGET ACTION REQUIRED:

If awarded, money will need to be budgeted for in 2001

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends approval.

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4055

Clerk

231/724-6705
FAX/724-4178

Comm. & Neigh.

Services
231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

Neigh. & Const.

Services
231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4100
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

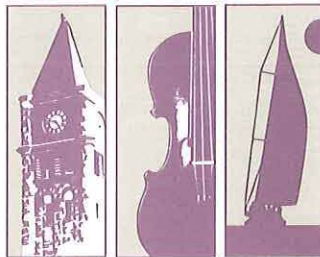
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

February 9, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Clean Michigan Grant Application.

I am requesting authorization to re-apply for both the Michigan Natural Resources Trust Fund and the Clean Michigan Initiative for the Beachwood Park Redevelopment. The project would cost about \$400,000, and would require at least a 25% match. (We get more points for more than a 25% local match, i.e. 26%.)

Work at Beachwood would include a portion of the Lakeshore Trail, restroom facilities, irrigation, paved parking, picnic shelter, playground equipment, and other site amenities.

The Leisure Services Board recommended approval of the applications at their February meeting.

I am asking to resubmit this one because this is the highest-ranking project in our master plan and it was not funded through the recent CMI or Trust Fund grant cycle.

I would ask that you authorize staff to submit the grant application and that you authorize the mayor and clerk to sign the attached resolution.

Thank you for your consideration.

RESOLUTION NO. 2000-34(a)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
BEACHWOOD PARK DEVELOPMENT UNDER THE MNRTF AND CLEAN
MICHIGAN INITIATIVE.

WHEREAS, the City of Muskegon wishes to redevelop Beachwood Park; and

WHEREAS, grant applications are now being received by the Michigan
Department of Natural Resources for Michigan Natural Resources
Trust Fund (MNRTF) grants and the Clean Michigan Initiative
(CMI), which will provide up to 75% funding for the project; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon approve the submission of the grant application to the
MNRTF and the CMI for \$400,000 for the Redevelopment of
Beachwood Park; and

BE IT FURTHER RESOLVED, that the City's \$105,000 match will be provided,
and the City hereby commits itself to complete this project if the
grant application is approved.

Adopted this 14th day of March, 2000

AYES: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS: None

ABSENT: Schweifler (excused)

BY


Fred Nielsen, Mayor

ATTEST


Gail Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 14, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, City Clerk

*Needs
2nd Reading*

Date: March 14, 2000

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Parking Fine/Impound Fee Adjustments

SUMMARY OF REQUEST: The Finance Division and Police Department have reviewed current parking fine and vehicle impoundment fee structures and recommend the following changes:

1. Parking Fines – Maintain parking fines at current levels but add a fourth incremental step for fines that remain unpaid after 30 days. Currently parking fines do not increase further after remaining unpaid for 14 days.
2. Boot Removal Fee – Implement a \$65.00 fee for removal of the "Denver Boot" (or alternate) vehicle immobilization device
3. Impoundment Fees – Implement standard \$50.00 fee for all vehicle impounds requiring police department involvement (consistent with fee charged by County). Also, begin use of vehicle immobilization devices for court-ordered vehicle impounds.

FINANCIAL IMPACT: Additional revenues will be generated and parking ticket collection rate should improve by adding fourth step to parking fine structure.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of proposed recommendations, related ordinance amendments and fine/fee adjustments.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 3/14/00

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 7, 2000

RE: Shoreline Drive Property Acquisition

SUMMARY OF REQUEST:

To adopt a resolution and Declaration of Taking for property owned by the Muskegon Mall owner for the purpose of constructing Shoreline Drive.

FINANCIAL IMPACT:

The City has offered \$59,000 for this property based on an appraisal. The purchase price will likely be determined by Circuit Court.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the Resolution and Declaration of Taking.

COMMITTEE RECOMMENDATION:

None.

February 29, 2000

Mr. Eric Gielow
Lague, Newman & Irish
600 Terrace Plaza
Muskegon, MI 49443-0389

Re: City of Muskegon/Shoreline East Acquisition/Terrace Lots
Our File 100-1403(19)

Dear Eric:

Our letters and phone calls to date have involved the exploration of and your offer to sell to the City land along Terrace Street in the "Terrace Lots Parcel," a total of 3.88 acres of land, at \$70,000 per acre. In addition, your offer involved placing a directional sign to indicate the Muskegon Mall at an appropriate location.

I have reviewed this with the City. Your offer would mean a payment of \$271,600 for the 3.88 acres. We believe that the price for the entire 3.88 acres is too high, and we are unwilling to purchase that property on that basis.

Please consider this letter a final good faith offer of just compensation for the portion of the land along Terrace Street and in the Terrace Lots parcel needed for the Shoreline Drive entrance off Terrace Street. The City offers \$59,000 for the said lands.

The legal description for the lands is not presently developed, except to compare the legal description of other lands in the Terrace Lots Parcel which would not be purchased, in accordance with the appraisal submitted by Mr. Nedeau on February 3, 2000, a copy of which has been supplied to you. The entrance as depicted on the property sketch map on page 25 of the appraisal is the area being sought by this offer to purchase.

The City does not reserve any right to bring federal or state cost recovery actions arising out of or release of hazardous substances at the property, if any.

The appraisal dated February 3, 2000, prepared by Stephen P. Nedeau, and previously supplied to you, is the basis for this offer.

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hyland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

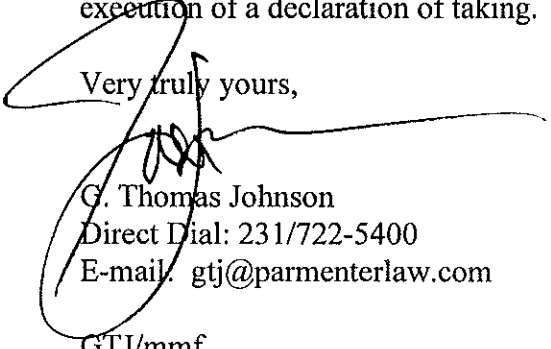
Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

As stated in our previous letter, this offer contemplates the retention by the City in the areas known as "Parcel A" and "Parcel B" shown on the property sketch map on page 25 of the appraisal.

This offer is made to all parties having an interest in the parcels, including any mortgagee parties. By the time you receive this letter, we hope to have updated any title work which would show the interest of any such party. This offer is an all inclusive offer to all said parties.

I very much appreciate your attempts to reach an agreement in this matter, and I am sorry that we could not do so. Unless I hear from you otherwise within ten days of this letter, I will be approaching the City Commission for its review and determination concerning necessity and the execution of a declaration of taking. I certainly invite your comments at any time.

Very truly yours,



G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ/mm

Enclosure

c: ✓ Mr. Bryon L. Mazade (w/encl)
Ms. Deborah Harrison (w/encl)

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2000-34(c)

A resolution determining the necessity to acquire land for public purposes by eminent domain.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon is presently engaged in developing and acquiring a property located in Block 557 and Block 562 of the Revised Plat of 1903 of the City of Muskegon for the purpose of constructing the highway known as Shoreline Drive.
2. It appears that it is necessary to begin eminent domain proceedings because of the status and results of negotiations which have been carried on by the City.
3. There is considerable evidence that the establishment of Shoreline Drive at the said location will be advantageous to the development of the traffic needs and development of the City of Muskegon, and that it is in the best interests of the City to establish the said highway. Plans have been prepared and developed to sufficiently indicate the location of the highway and its effect on the land to be acquired.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. The City Commission hereby declares and determines that it is in the public interest and constitutes a public purpose to acquire the property set forth in Exhibit A attached to this resolution for the purpose of acquiring sufficient land to construct the highway known as Shoreline Drive.
2. The City Commission further declares and determines that it is necessary to construct the said highway in Block 557 and Block 562 of the Revised Plat of the City of Muskegon, and the said improvement is necessary for the use and benefit of the public.
3. It is further declared and determined that it is necessary to acquire and take the fee simple estate in real property, fully described in Exhibit A, without the consent of the owners thereof, for the purpose of constructing the said highway. The said described parcel is necessary for the use and benefit of the public and a good faith written offer to purchase said parcel has been made. In the event the said offer is not accepted, the City Attorney is directed to institute condemnation proceedings against the owners and any other parties in interest in the said described parcel which has been deemed necessary for the acquisition and construction highway improvement.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the Declaration of Taking in the form attached to this resolution.

This resolution passed.

Ayes Spataro, Aslakson, Benedict, Nielsen, Shepherd, Sieradzki

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on March 14, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

EXHIBIT A

Legal Description

2000-34(c)
City of Muskegon
Muskegon County, Michigan

DECLARATION OF TAKING

Land in Block 557 and Block 562, City of Muskegon

A statement of necessity has been made by the City Commission of the City of Muskegon setting forth that the construction of a highway in Block 557 and Block 562 is necessary. As a result, it is necessary to acquire certain property for said purpose, and a good faith written offer to purchase said parcels of property has heretofore been made.

Therefore, by virtue of the authority vested in the City of Muskegon by law and constitution, and pursuant to 1980 PA 87, MCLA 213.51, MSA 8.265(1), it is now declared that by the filing of the Complaint and this Declaration in the Circuit Court for the County of Muskegon, title to the property hereinafter described is taken in the name of the City of Muskegon for the purpose of constructing a highway.

A description of the property taken sufficient for its identification, the names of the persons interested in said property so far as known, a statement of the estate or interest being taken, and statement of the sum of money estimated by complainant to be just compensation for the part to be taken is as follows:

Legal Description

Attached on Exhibit A

Estate to be acquired : Fee Simple.

Owners: Mac I, Inc.

Estimated Just Compensation: \$59,000.00

CITY OF MUSKEGON

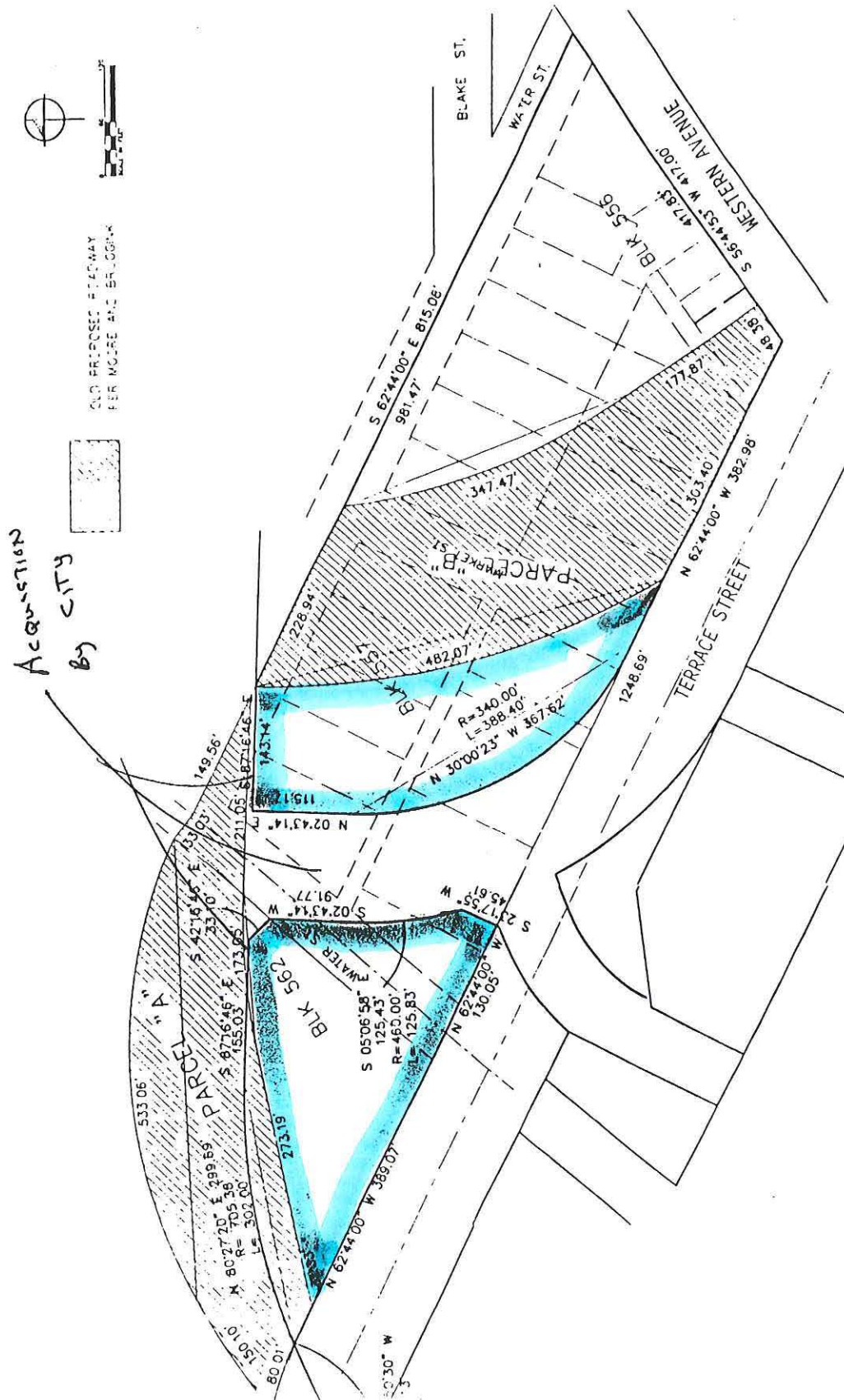
By Fred J. Nielsen
Fred J. Nielsen, Mayor

And Gail A. Kunderger
Gail A. Kunderger, City Clerk

EXHIBIT A

Legal Description

PROPERTY SKETCH - AFTER TAKING



**COMMUNITY
&
NEIGHBORHOOD
SERVICES**

Memo

To: Honorable Mayor Fred Nielsen and City Commisssioners

From: Wilmern G. Griffin Community and Neighborhood Services Director W.G.

CC: City Manager Byron Mazade

Date: March 8, 2000

Re: CDBG/HOME 2000-2001 Recommendations

Attached you will find the City of Muskegon's staff recommendations for fiscal year 2000-2001 Community Development Block Grant /HOME funding. Also enclosed is the proposal packets of all the proposals that our department received this year from both in house departments and also outside public services.

It is unfortunate that the funding is limited , because all of the proposals are very worthwhile projects. It is the intent of our department to work with the non-recommended projects during the year in order to assist them with securing their needed funding.

**Community Development Block Grant Proposed
Budget FY 2000 – 2001**

<u>Program Administration Amount</u>		\$ 128,940
CDBG Salaries		
CDBG Salaries & Benefits		
Wilmern Griffin, Director		
TaLonda Robinson, Departmental Secretary		
Melanie Smith, Finance Clerk		
Incidental Cost		\$ 15,000
Contract Compliance/EO		\$ 35,000
Shoreline Drive – Bond Repayment		\$ 242,000
Housing Rehabilitation		\$ 475,000
Emergency Repairs	(\$ 105,806)	
Housing Rehabilitation-Siding/Paint	(\$ 265,807)	
Service Delivery		
Salaries Fringes for	(\$ 97,734)	
Ardyce Haken, Rehabilitation Counselor		
Marc Johnson, Rehabilitation Specialist		
Indirect/Incidental Cost	(\$ 5,653)	
<u>Public Improvements</u>		
Sidewalk Assessments		\$ 75,000
Street Assessment		\$ 25,000
Public Facilities Rehabilitation/Clean Ups		\$ 85,000
Smith-Ryerson Field		\$ 100,000
Commercial Clearance		\$ 25,000
Residential Rehabilitation		\$ 80,000
Code Enforcement		\$ 45,000
<u>Public Services</u>		
		\$ 70,000
Recreation Programs		\$ 80,000
Muskegon Area Transit System (MATS)		\$ 25,000
CBO Grant Program		<u>\$ 47,000</u>
Senior Transit		
Total		\$ 1,552,940

Home 2000 – 2001 Proposed Budget

City Administration	\$ 51,000
<u>Oneata Bailey Rehabilitation Specialist</u>	
Salary and Fringe Benefits	\$ 42,843.57
Miscellaneous Office Supplies & Equipment	8,156.43
<u>Housing</u>	
Rental Rehabilitation	\$110,000
Infill New Construction	170,000
Lead Base Paint Abatement Activity	82,000
Community Housing Development Organization's (CHDOS)	\$100,000
Total Proposed HOME Budget	\$513,000
Total HOME Entitlement Grant	\$513,000
Contingency	\$ -0-

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COMMISSION
FROM: LEE SLAUGHTER, ASSISTANT CITY MANAGER
HEATHER SANDBERG, MANAGEMENT ASSISTANT
SUBJECT: HANGING MAYORAL PORTRAITS
DATE: 8-3-99
CC: IMAGE COMMITTEE

The issue of hanging Mayoral Portraits was raised by Mayor Nielsen. After researching the issue, the following action is suggested. The portraits of the first and current Mayor hung on the wall outside of the Commission Chambers. Between the two pictures, a plaque that contains 96 individual plates will hang. Each plate will be engraved with the name and date(s) of service of each mayor who ever served in Muskegon. We will require 67 of the plates with the names up to the present date and allow ourselves room for growth.

The reason behind this recommendation is that we do not have portraits of all the Mayors of Muskegon that would make a complete set and, for those we do have, they are all different sizes and some are in poor condition. Even if we did have portraits of everyone, they would have to be adjusted to the same size and we would need to purchase frames so that they are all uniform. By hanging the first Mayor, the current Mayor and noting all those in between, we can accomplish naming all individuals who have served and still maintain a quality looking, complete finished product at a reasonable cost.

As we are in the process of beginning this project, if you have suggestions regarding this issue, please direct them to either Lee or Heather.

Date: March 14, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Shoreline Dr. East Consulting Agreement amendment

SUMMARY OF REQUEST:

To approve an amendment to the engineering agreement with Earth-Tech for the Shoreline Drive East to include the additional cost of redesign a steel bridge over south bound Shoreline Dr. The original design called for a pre-stressed concrete, however, due to the discovery of compressible soils in the vicinity of, a mutual decision between MDOT and the City that a change in structures was indeed necessary.

FINANCIAL IMPACT:

The amendment will add \$100,000 to Earth -Tech's not to exceed cost, increasing the total allowed cost to \$510,280.50.

BUDGET ACTION REQUIRED:

None. The additional cost, or most of it, will be funded by the State.

STAFF RECOMMENDATION:

To amend the agreement.

COMMITTEE RECOMMENDATION:

RECEIVED
CITY OF MUSKEGON

January 3, 2000

JAN - 6 2000

ENGINEERING DEPT.

Mr. Mohammed Al-Shatel, P.E.
City Engineer
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, Michigan 49433-0536

Re: Proposal for Engineering Services – Structure A (Extended)

Dear Mohammed:

Please find enclosed our proposal for engineering services for the extension and redesign of Structure A to meet minimum requirements established in last geotechnical meeting with the Michigan Department of Transportation (MDOT).

Telephone

616.942.9600

Facsimile

616.942.6499

During the geotechnical investigation phase of this project, we discovered unsuitable soil conditions that warranted change in the preliminary design of Structure A. MDOT expressed concerns about the height of embankment and use of MSE walls over compressible soils. After several meetings with MDOT, we determined that moving the southern abutment approximately 30 meters to the south would minimize risks for post-construction settlement in the approach.

The increased length of structure makes necessary a change in superstructure type from pre-stressed concrete beams to curved steel girders. Earth Tech proposes a two to three span curved steel girder structure to carry Shoreline Drive over southbound US 31-BR. The number and length of spans as well as skew angle to be determined during preliminary engineering in conjunction with final soils report. Design to include steel curved girder superstructure with composite concrete deck. Substructure is to consist of standard concrete pile abutments and piers.

We estimate approximately 1062 hours to complete the items for a cost of \$ 100,000. In preparing this estimate, we gave consideration for the hours for final design of Structure A in the original contract. However, there are major new elements with this new structure as the curved steel girder, steel details, new pier design, and new abutment design.

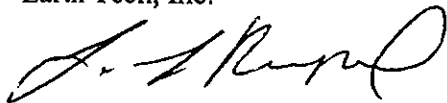


Mr. Mohammed Al-Shatel, P.E.
January 3, 2000
Page 2

Additional direct expenses not included in the original contract include: additional soil borings and geotechnical engineering to satisfy MDOT requests. Earth Tech has contracted with Soil and Materials Engineers, Inc. to do the geotechnical analysis. We are expecting results by mid-January. The costs for this work is also included in this proposal. If you should have any questions regarding this proposal, please contact me at (616) 975-4586.

Very truly yours,

Earth Tech, Inc.



Laura L. Rampersad, P.E.
Project Manager

