

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 22, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. Liquor License Request for Muskegon Athletic Club, LLC, 333 Western, Suite B. CITY CLERK
- ☐ **PUBLIC HEARINGS:**
- ☐ **COMMUNICATIONS:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **UNFINISHED BUSINESS:**
 - A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1174 Jefferson Street. PUBLIC SAFETY (Tabled from June 24, 2008)
- ☐ **NEW BUSINESS:**
 - A. Nuisance Business Ordinance. CITY MANAGER
 - B. Police Patrol Agreement. CITY MANAGER
- ☐ **ANY OTHER BUSINESS:**
- ☐ **PUBLIC PARTICIPATION:**
 - *Reminder: Individuals who would like to address the City Commission shall do the following:*
 - Fill out a request to speak form attached to the agenda or located in the back of the room.
 - Submit the form to the City Clerk.
 - Be recognized by the Chair.
 - Step forward to the microphone.

- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

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

Date: July 22, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the July 7th Commission Worksession, and the July 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 22, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, July 22, 2008.

Mayor Warmington opened the meeting with a prayer from George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2008-65 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the July 7th Commission Worksession, and the July 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request for Muskegon Athletic Club, LLC, 333 Western, Suite B. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Muskegon Athletic Club, LLC for a Dance-Entertainment Permit and Official Permit (Dance-Entertainment) for Sundays, 11:00 a.m. to 12:00 p.m. You approved the request for a Class C License at the May 27, 2008, City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

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

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

Nays: None

MOTION PASSES

2008-66 UNFINISHED BUSINESS:

- A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1174 Jefferson Street.** PUBLIC SAFETY (Tabled from June 24, 2008)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 1174 Jefferson Street (Area 10) is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1174 Jefferson.

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

Nays: None

MOTION PASSES

2008-67 NEW BUSINESS:

- A. Nuisance Business Ordinance.** CITY MANAGER

SUMMARY OF REQUEST: To approve the Nuisance Business Ordinance to provide a mechanism to address nuisance businesses.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance.

COMMITTEE RECOMMENDATION: The City Commission has reviewed this concept and directed City staff to prepare a final ordinance for consideration.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to adopt the Nuisance Business Ordinance as presented.

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

Nays: None

MOTION PASSES

B. Police Patrol Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve a tentative agreement with the Police Officers Labor Council (Police Patrol union) for a three-year contract.

FINANCIAL IMPACT: Varies from year to year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the proposed tentative agreements.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Police Patrol agreement.

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

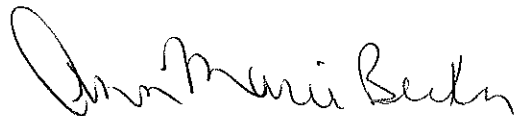
Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were made.

ADJOURNMENT: The City Commission Meeting adjourned at 5:38 p.m.

Respectfully submitted,

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

Ann Marie Becker, MMC
City Clerk

Date: July 22, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
Muskegon Athletic Club, LLC
333 Western, Suite B

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Muskegon Athletic Club, LLC for a Dance-Entertainment Permit and Official Permit (Dance-Entertainment) for Sundays, 11:00 a.m. to 12:00 p.m. You approved the request for a Class C License at the May 27, 2008, City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



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

mailed 6/26/08 AD
FOR MLCC USE ONLY

Request ID # 477476

Business ID # 212537

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

June 18, 2008

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

APPLICANT: MUSKEGON ATHLETIC CLUB, LLC

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

ANDREW W. BUCK, 5912 SOUTH SHORE DRIVE, WHITEHALL, MI 49461 H&B(231)557-3783
JO ANN TREGONING, 2411 LAKE AVENUE, UNIT #29, NORTH MUSKEGON, MI 49445
H&B(231)744-1599

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

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

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

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



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

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 477476

Business ID # 212537

September 23, 2008

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

******* AMENDED *******
TO INCLUDE NEW
OUTDOOR SERVICE
******* AREA *******

APPLICANT: MUSKEGON ATHLETIC CLUB, LLC

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

Andrew W. Buck, 5912 South Shore Drive, Whitehall MI 49461 (231) 557-3783
Jo Ann Tregoning, 2411 Lake Avenue, Unit #29, North Muskegon MI 49445 (231) 744-1599

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

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

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 364-4634.

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

Request ID # 477476

*****AMENDED*****
RESOLUTION

2008-65(b)

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

called to order by Mayor Warmington on July 22, 2008 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Shepherd

That the request from MUSKEGON ATHLETIC CLUB, LLC for a new Class C license, issued under MCL 436.1521(a)(1)(b) with Dance-Entertainment Permit and Outdoor Service (1 area), to be located at 333 Western, Suite B, Muskegon MI 49440, Muskegon County.

be considered for Approval
(Approval or Disapproval)

APPROVAL

Yeas: 7
Nays: 0
Absent: 0

DISAPPROVAL

Yeas: _____
Nays: _____
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 July 22, 2008.
(Date)

SEAL

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

RESOLUTION

At a Regular meeting of the 2008-65(b) City Commission
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Warmington on July 22, 2008 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Carter and supported by Commissioner Shepherd

That the request from MUSKEGON ATHLETIC CLUB, LLC FOR A NEW CLASS C LICENSE ISSUED UNDER MCL 436.1521(a)(1)(b) WITH DANCE-ENTERTAINMENT PERMIT AND OFFICIAL PERMIT (DANCE-ENTERTAINMENT) FOR SUNDAYS, 11;00 A.M. TO 12:00 P.M. TO BE LOCATED AT 333 WESTERN, SUITE B, MUSKEGON, MI 49440, MUSKEGON COUNTY.

IN ADDITION TO PRIOR APPROVAL ALREADY GRANTED AS PER ATTACHED COPY OF RESOLUTION ADOPTED ON MAY 27, 2008.

be considered for Approval
(Approval or Disapproval)

APPROVAL	DISAPPROVAL
Yeas: <u>7</u>	Yeas: _____
Nays: <u>0</u>	Nays: _____
Absent: <u>0</u>	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 July 22, 2008.
(Date)

SEAL

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

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2008-48(d)

A resolution concerning the issuance of a Downtown Development Authority District On-Premises Liquor License pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. Muskegon Athletic Club, LLC has applied for a Downtown Development Authority District On-Premises Liquor License for the premises at 333 Western Avenue, Suite 2B, which is located within an area established by the City Commission as a redevelopment project area pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws.
2. It is required that the City Commission approve a specific applicant, at a specific location "ABOVE ALL OTHERS".
3. This resolution was approved at the regular meeting of the City Commission on May 27, 2008.

City Commission Findings

The City Commission is satisfied that:

1. That the applicant has sufficiently demonstrated a commitment for a capital investment of not less than \$75,000 for the build-out and improvements of the building that will house the licensed premises, which amounts shall be expended before the issuance of the license.
2. That the licensed business shall be engaged in dining, entertainment or recreation, that is open to the general public, with a seating capacity of not less than 50 persons.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission deems it to be in the best interest of the City of Muskegon to approve the application of Muskegon Athletic Club, LLC, for a Downtown Development Authority District On-Premises Liquor License for the premises at 333 W. Western Avenue, Suite 2B, pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws, and recommends to the Michigan Liquor Control Commission the issuance of said requested license "ABOVE ALL OTHERS".

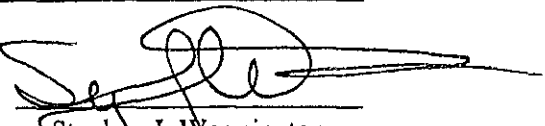
Adopted this 27 day of May, 2008.

AYES: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro,
and Warmington

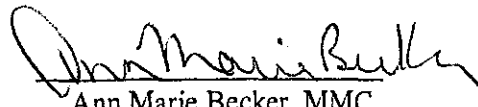
NAYES: None

ABSENT: None

By:


Stephen J. Warmington
Its Mayor

By:

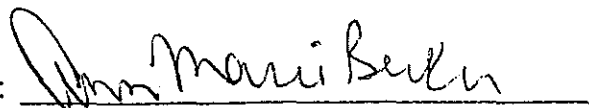

Ann Marie Becker, MMC
Its Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on May 27, 2008. 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:


Ann Marie Becker, MMC
City Clerk

mailed 6-26-08
AN



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

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

June 18, 2008

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

Request ID #: 477476

Applicant:

MUSKEGON ATHLETIC CLUB, LLC REQUESTS A NEW CLASS C LICENSE ISSUED UNDER MCL 436.1521(a)(1)(b) & ~~SDM LICENSE~~ IN CONJUNCTION WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMITS (FOOD, DANCE-ENTERTAINMENT), AND OUTDOOR SERVICE AREA TO BE LOCATED AT 333 WESTERN, SUITE B, MUSKEGON, MI 49440, MUSKEGON COUNTY.

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

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

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

sfs

LC-1972(Rev. 09/05)
Authority: MCL 436.1201(4)
Completion: Mandatory
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

mailed 6-26-08 AA



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 477476

Business ID # 212537

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

MUSKEGON ATHLETIC CLUB, LLC REQUESTS A NEW CLASS C LICENSE ISSUED UNDER MCL 436.1521(a)(1)(b) & ~~SDM~~ LICENSE IN CONJUNCTION WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMITS (FOOD, DANCE-ENTERTAINMENT), AND OUTDOOR SERVICE AREA TO BE LOCATED AT 333 WESTERN, SUITE B, MUSKEGON, MI 49440, MUSKEGON COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1: ANDREW W. BUCK – MEMBER 5912 SOUTH SHORE DRIVE WHITEHALL, MI 49461 H&B(231)557-3783	APPLICANT #2: JO ANN TREGONING – MEMBER 2411 LAKE AVENUE, UNIT #29 NORTH MUSKEGON, MI 49445 H&B(231)744-1599
DATE FINGERPRINTED: <u>7-11-08</u>	DATE FINGERPRINTED: <u>7-11-08</u>
DATE OF BIRTH: <u>11-13-75</u> Is the applicant a U.S. Citizen: ☒ Yes ☐ No*	DATE OF BIRTH: <u>1-18-48</u> Is the applicant a U.S. Citizen: ☒ Yes ☐ No*
Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No	*Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No*
*Does the applicant have a Visa? Enter status:	*Does the applicant have a Visa? Enter status:

****Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission****

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
--	--

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☒ Yes, complete LC-1636

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

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

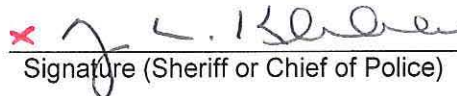
Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

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

Section 4. RECOMMENDATION

From your investigation:

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


7-11-08
Date

MUSKEGON POLICE DEPARTMENT

mailed 6-26-08 AD



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

**APPLICATION FOR OFFICIAL PERMIT FOR
 DIFFERENCE IN HOURS OF OPERATION**

[Authorized by MCL 436.1916 and R 436.1403]

FOR MLCC USE ONLY

Request ID # 477476

Business ID # 212537

Applicant or Licensee Name: Muskegon Athletic Club, LLC

Address: 333 Western Avenue, Suite 2B, Muskegon, MI 49440

Type of License: Class C and SDM

License No.: _____

The MLCC is requested to grant an extended hours permit for; (check boxes that apply). **INCLUDE A \$70.00 INSPECTION FEE AND MAKE PAYABLE TO THE STATE OF MICHIGAN.**

- ☒ Dance (To apply for this purpose you must have a separate Dance Permit issued by the MLCC)
- ☒ Entertainment (To apply for this purpose you may have to have a separate Entertainment Permit issued by the MLCC).
- ☒ Operating our restaurant for the sale of food (Must have a full Service kitchen)
- ☐ Operating night league bowling, tournaments or Sunday morning bowling
- ☐ Registering golfers ☐ Registering Skiers
- ☐ Registering Tennis Players ☐ Registration of Guests
- ☐ Meetings
- ☐ Special Events, Indicate below Specific Event or Events that will be occurring.
- _____

☐ Athletic Activities, Indicate below Specific Athletic activities that will be occurring.

☐ Others Please Specify Activities: _____

Mailed 6-26-08
AA

Application for Difference in Hours of Operation (cont'd)

NOTE: The licensed premises may not be occupied by anyone except the licensee and bona fide employees who are working between the hours of 2:30 A.M. and 12:00 Noon on any Sunday or from 2:30 A.M. until 7:00 A.M. on any other day. Please indicate below the extended hours you are applying for to conduct the activities indicated on Page 1.

Weekdays 7:00 A.M. to 2:30 A.M.

Note: Saturday night after midnight is Sunday and requires Sunday hours if the premises is to be occupied after 2:30 A.M.

Sundays 11:00 A.M. to 12:00 A.M. /P.M.Will Licensee be conducting the requested activity? ☒ YES ☐ NO

If no, attach a request for waiver of R 436.1437 and copy of concession and/or licensing agreement for person conducting that activity.

It is understood that the licensee issued an extended hours permit shall not allow customers on the licensed premises during the time period provided by the extended hours permit unless the activities, and only those activities, allowed by the extended hours permit are occurring. If you apply for two separate activities and the activities are for different hours you must fill out and attach a separate application. **THIS PERMIT DOES NOT ALLOW THE SALE, SERVICE, OR CONSUMPTION OF ALCOHOLIC LIQUOR DURING THE EXTENDED HOURS.**

ISSUANCE OF THIS PERMIT REQUIRES APPROVAL BY YOUR LOCAL LAW ENFORCEMENT AGENCY. IF MAKING APPLICATION FOR EXTENDED HOURS FOR DANCE OR ENTERTAINMENT A RECOMMENDATION FROM THE LOCAL LEGISLATIVE BODY IS ALSO REQUIRED.

Your request will be referred to your local law enforcement agency and local legislative body (if needed) for their recommendation upon receipt of a complete and acceptable application and the required \$70.00 inspection fee.

THE LICENSEE/APPLICANT, AN AUTHORIZED CORPORATE OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY MUST SIGN THIS APPLICATION.

Licensee or Applicant Signatures:

Andrew W. Buck
Andrew W. Buck, Member**CONTACT INFORMATION**Name: Andrew W. BuckAddress: 5912 South Shore Drive Whitehall MI 49461
(street address) (city) (state)Phone Number: (231) 557-3783E-Mail Address: letter22@charter.net

Page 2 of 2

mailed 6-26-08



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

FOR MLCC USE ONLY

Request ID # 477476

Business ID # 212537

LAW ENFORCEMENT RECOMMENDATION

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

June 18, 2008

TO:

Re: MUSKEGON ATHLETIC CLUB, LLC

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

☒ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: FOOD

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

Sundays 11:00 A.M. to 12:00 P.M.

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

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☒ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: DANCE-ENTERTAINMENT

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

Sundays 11:00 A.M. to 12:00 P.M.

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

☒ DANCE PERMIT

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

☒ ENTERTAINMENT PERMIT

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

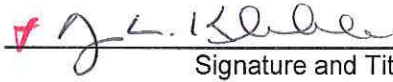
☐ TOPLESS ACTIVITY PERMIT

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

mailed 6-26-08
AD

☒ OUTDOOR SERVICE ☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended
☐ PARTICIPATION PERMIT ☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended
☐ ADDITIONAL BAR PERMIT ☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended
☐ ☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

 CHIEF OF POLICE
Signature and Title

ANTHONY L. KUEBER CHIEF OF POLICE
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: 7-11-08

sfs

LIQUOR LICENSE REVIEW FORM

Business Name: Muskegon Athletic Club, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Andrew Buck and JoAnn Tregoning

Business Address: 333 Western, Suite B

Muskegon, MI 49440

Reason for Review:

New License ☒

Transfer of Ownership ☐

Dance Permit ☒

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☒

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature [Signature] 7-11-08

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Muskegon Athletic Club, LLC

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Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☒

Owing ☐

Amount: _____

Treasurer

Approved ☒

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Dennis

7/9/08

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Muskegon Athletic Club, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Andrew Buck and JoAnn Tregoning

Business Address: 333 Western, Suite B
Muskegon, MI 49440

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☒

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Muskegon Athletic Club, LLC

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New License ☒

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Dance Permit ☒

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☒

Denied ☐

Remaining Defects ☐

Approval based on final

inspection of premises

Department Signature _____

Please return to the City Clerk's Office

LIQUOR LICENSE REVIEW FORM

Business Name: Muskegon Athletic Club, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Andrew Buck and JoAnn Tregoning

Business Address: 333 Western, Suite B
Muskegon, MI 49440

Reason for Review:

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Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature 

Please return to the City Clerk's Office

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

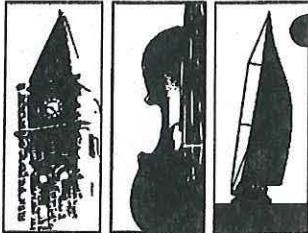
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 23, 2008

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

REF: Req ID #477476
Muskegon Athletic Club, LLC
333 Western, Suite B
Muskegon, MI 49440

To Whom It May Concern:

Enclosed are For
for Muskegon A
City Commissio

Please do not he

Sincerely,

Linda

Linda Potter
Deputy Clerk

enc.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

City Clerk

Postage	\$ 1.17
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.07

Sent To

Liquor Control
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, June 2002

Domestic Return Receipt

DATE: 06/16/2008

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN050084

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1174 JEFFERSON ST- Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN050084 – 1174 Jefferson St., Muskegon, MI 49441

Location and ownership: This structure is located on Jefferson Street between Merrill and Monroe Streets and is owned by Chaunel Phillips/Gibson.

Staff Correspondence: A dangerous building inspection was conducted on 02/15/07. The Notice and Order to Repair was issued on 02/22/05. A building permit was issued on 08/04/05, electrical issued 08/12/05 and plumbing issued 08/12/05. Rough-in inspections were conducted and approved but progress halted when contractors walked away from job and no final inspections were scheduled. A progress inspection was conducted 01/03/08. The case came before HBA 09/01/05 to monitor progress on case and was tabled until January 2006 to allow owner to complete repairs and schedule final inspections. The case came back before HBA 10/04/07 because all permits had expired and no progress inspections had been scheduled, the case was tabled with owner to secure all new permits by October 15, 2007. The case came back before HBA 12/06/07 because no permits were issued. The case was tabled with owner to schedule progress inspection. The case came back 01/03/08 and was declared dangerous, substandard, and a public nuisance with a delay until June 2008 before bringing case to the City Commission.

Owner Contact: Owner was present for all HBA meetings. Owner disagreed with cost of obtaining new permits. No new permits have been applied for, no final inspections scheduled and no owner contact since the January 2008 HBA meeting.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$38,300

Estimated cost to repair: \$30,000

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

CITY OF MUSKEGON
DANGEROUS BUILDING PROGRESS INSPECTION REPORT

1174 JEFFERSON ST
01/03/2008

Inspection noted:

Uncorrected

1. Drywall to be within 1/8" of edge of box.
2. Miscellaneous covers, devices & fixtures missing.
3. Need disconnect adjacent to water heater.
4. Are piggyback breakers rated for use in this panel?
5. Exterior lights to sit flush on siding.
6. Breakers to match panel.

Final Electrical is approximately 50% done.

1. Lower bath unfinished needs to be completed.
2. Kitchen sink remains to be completed.
3. Need hammer arrestors for laundry & dishwasher.
4. Need return air.
5. Upstairs bath remains to be completed - adjoining.
6. Caulk toilet master bath.
7. AC remains - furnace condensate to tie into fitting.
8. Set up laundry (plumbing) -
9. Cleanout in basement to be accessible.
10. Basement & bath group remains to be completed.
11. Draft stopping (misc).
12. T & P drain on water max 4 " from floor; no threads.

Final Plumbing 30% complete.

1. Stair landing at front door; finish siding on columns.
2. Finish all drywall.
3. Lowest riser on stair not uniform out of 3/8 variable upper/lower.
4. Finish basement.
5. Under stair protection in basement.
6. Finish all draftstopping.
7. Take paper off exposed insulation.
8. All handrails and guardrails to code.

Final Building 60% complete.

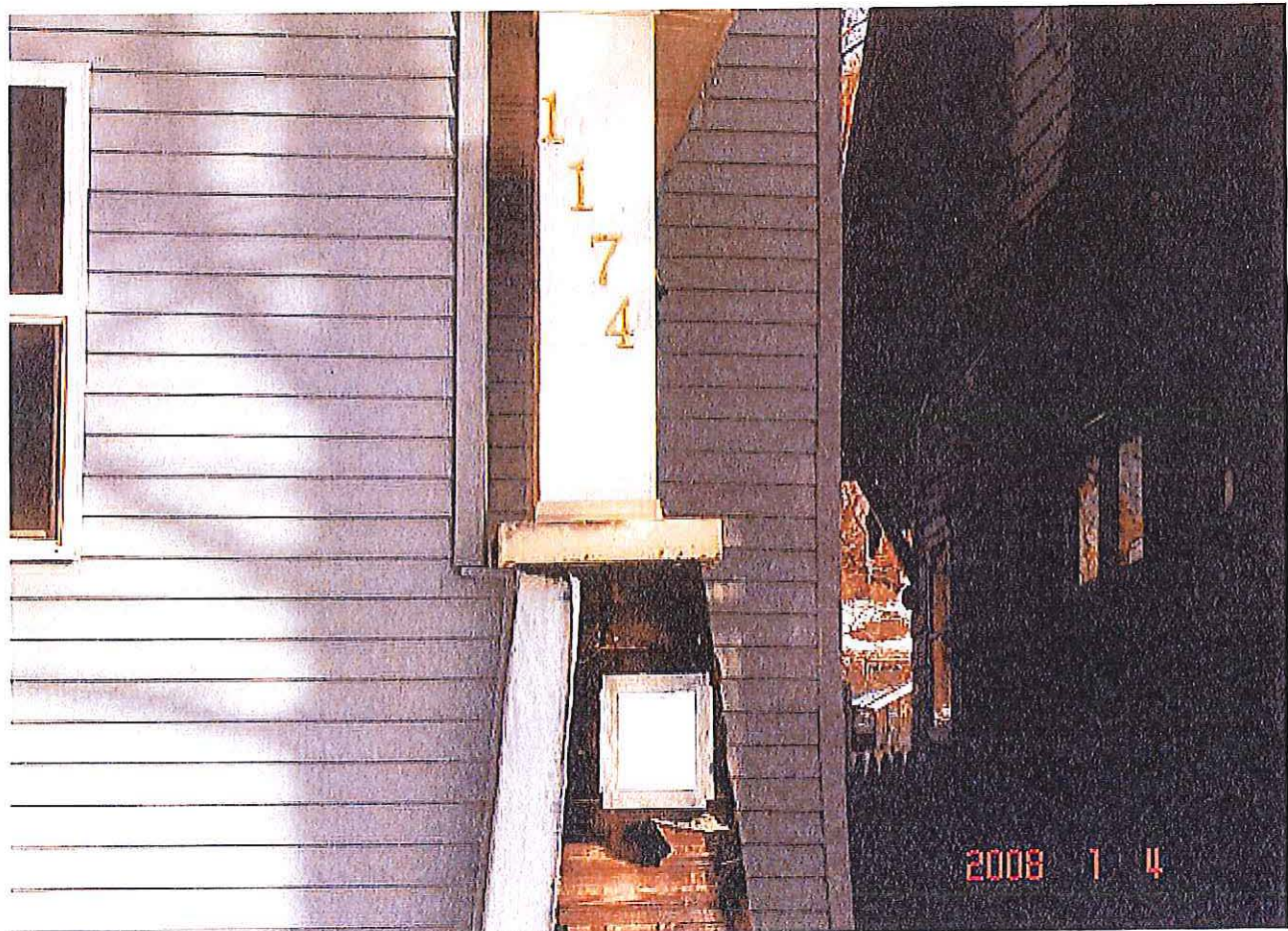
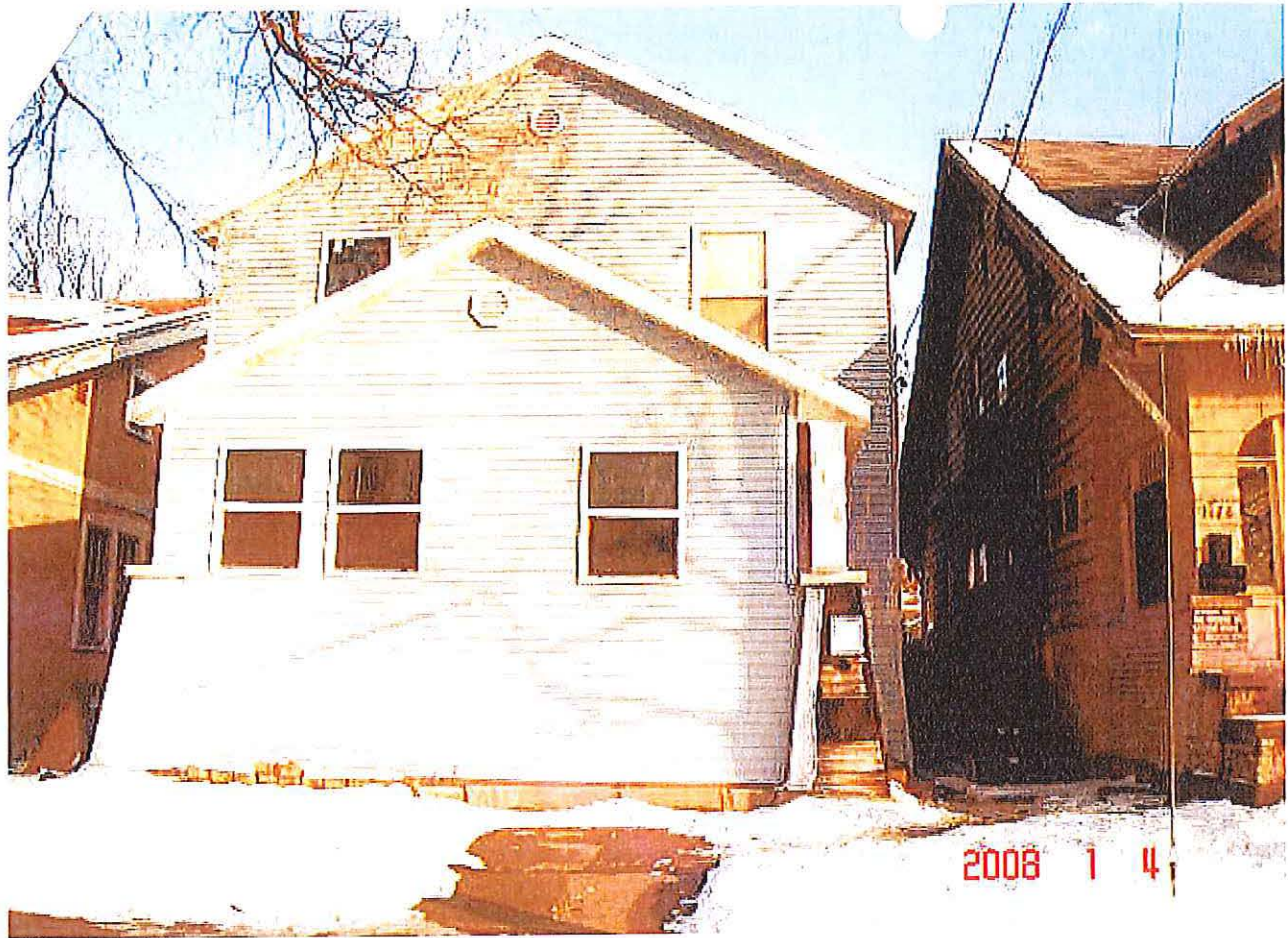
BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE
DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A
DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION
10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

SUMMARY FOR: 1174 JEFFERSON ST

This structure is a two story wood frame single family dwelling that was involved in a extensive fire in 2004. In 2005 this building was processed as a dangerous building because no progress had been to rehabilitate or remove the structure. A progress inspection was conducted in January 2008 and at that time electrical was 50% done, plumbing was 30%, and building was about 60% complete. Since that time no new permits have been issued, no inspections have been scheduled and no contact from the property owner. This department has received a number of complaints about this structure.



AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: July 15, 2008

RE: Nuisance Business Ordinance

SUMMARY OF REQUEST:

To approve the attached Nuisance Business Ordinance to provide a mechanism to address nuisance businesses.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached ordinance.

COMMITTEE RECOMMENDATION:

The City Commission has reviewed this concept and directed City staff to prepare a final ordinance for consideration.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2245

AN ORDINANCE TO BE SET FORTH IN ARTICLE VI OF THE CITY OF MUSKEGON CODE OF ORDINANCES. THE PURPOSE OF SAID ORDINANCE IS TO ABATE NUISANCES RESULTING FROM THE DISORDERLY AND DANGEROUS CONDUCT IN AND AROUND BUSINESS ESTABLISHMENTS IN THE CITY OF MUSKEGON.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article VI of Chapter 50, as stated below, is hereby added to the City of Muskegon Code of Ordinances.

Sec. 50-171. Definitions.

As used in this article:

Business activity means any action or acts of buying, selling, leasing, renting, or otherwise marketing, any goods, services, merchandise or commodities of any kind or description, whether or not conducted from a business establishment.

Business establishment means any lot, building or structure, or a part thereof, including, without limitation, leased or occupied space in a mall, store or building, located within the corporate limits of the city, from which a person engages in or causes to be engaged in any act or acts of buying, selling, leasing, renting, or otherwise disposing of, performing or marketing, any goods, services, merchandise or commodities of any kind or description.

Nuisance means any act or acts or omission to act on the part of any person or group of people which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons, private property or public property, including public sidewalks, parking lots, streets and alleyways surrounding business establishments within the city. A nuisance results from disorderly and/or dangerous behavior, including but not limited to increased noise, loitering, littering, fighting, jostling, roughly crowding, use and/or display of weapons, public intoxication, public indecency, obscene conduct, collecting in crowds for unlawful purposes, or any other disruptive, obnoxious, offensive, threatening or intimidating behavior that contributes to the disturbance of the peace and quiet.

Owner means any person who possesses or has any legal or equitable interest in a business establishment. "Owner" also means any person who has or

exercises control, custody or dominion over any property and/or business establishment. As used in this chapter, for purposes of notification, "the owner," "an owner" or "owner" shall mean the "owner/manager" indicated on the business registration application filed with the city clerk to obtain a certificate of registration pursuant to Section 50-33 of the City of Muskegon Code of Ordinances.

Property means any land, structure, house, building, premises or any part thereof.

Sec. 50-172. Findings with respect to disorderly and/or dangerous conduct.

The city determines that whenever repeated instances of disorderly and/or dangerous behavior occur on or near any business establishment and that business establishment is repeatedly the site of disruptive public behavior a public nuisance results. Such a public nuisance results from the increased criminal activity that occurs in the neighborhood surrounding the relevant business establishment, the fear engendered in the minds of the public and the disturbance of the peace and quiet of those people living, recreating, shopping and/or doing business in the neighborhood surrounding the business establishment.

A public nuisance is created where a business establishment or its effect on the neighborhood in which it is located is not reasonably harmonious with adjacent land uses and with the attitudes of adjacent residents and property owners. A public nuisance may be one that causes law enforcement problems to the degree that effective law enforcement in the remainder of the city has been or will be impaired or denied. A finding that a business establishment is a public nuisance is not dependent upon any wrongdoing attributed to the owner, but rather a showing that the disorderly and/or dangerous conduct continues to exist at the owner's business establishment.

Sec. 50-173. Declaration of public nuisance.

(a) Whenever repeated instances of disorderly and/or dangerous conduct, as outlined in Section 50-172, occurs on or near any business establishment, the City Commission may declare, by resolution, that the business establishment is a public nuisance and order that the nuisance be abated as provided in this chapter. Such a declaration may occur only after there has been notice given to the owner of the business establishment and the owner has had an opportunity to be heard at a public hearing.

(b) Notice of the public hearing shall be given to the owner and shall consist of personal service or the mailing of a certified letter to the owner at the mailing address indicated on the business registration application filed with the city clerk to obtain a certificate of registration for the business establishment pursuant to Section 50-33 of the City of Muskegon Code of Ordinances. The notice shall state the nature of the alleged nuisance and the time, date and location of the hearing. If the notice is served by certified mail, it shall be delivered with a

return receipt requested according to the practices of the post office. Receipt of the return receipt card by the city indicating the owner or a representative of the owner has received such notice shall be deemed notice to the owner. It shall not be necessary that the card be returned if the certified mail has been refused or there is other evidence that the owner has received notice. Such notice to an owner shall occur by the said mailing with postmark or personal delivery at least fourteen (14) calendar days prior to the date of the public hearing.

(c) The City Commission may appoint a hearing officer to conduct the public hearing. The hearing officer, acting in a quasi-judicial capacity, shall make a determination as to whether a public nuisance exists under the standards established by this Article. The hearing officer shall make this determination based solely upon the evidence presented at the public evidentiary hearing. In conducting the public evidentiary hearing, the hearing officer shall afford the owner, city personnel, other witnesses, and interested parties an opportunity to present relevant and material evidence and to make arguments as to factual or legal issues. Cross-examination of opposing witnesses shall be permitted. The owner may appear in person and be represented by an attorney. Lay representation is not permitted. In conducting its public evidentiary hearing, the hearing officer shall not be bound by the rules of evidence and may admit and give weight to probative evidence of a nature that is commonly relied upon by reasonably prudent individuals in the conduct of their affairs. Irrelevant, incompetent and immaterial evidence and unduly repetitious evidence shall be excluded. A record of said hearing shall be made.

Sec. 50-174. Abatement of nuisance and costs; posting; recording and listing of public nuisances.

If the hearing officer determines by a preponderance of the evidence that a business establishment is a public nuisance, the City Commission may, by resolution, in addition to any other remedies available to the city at law or in equity, order abatement of the nuisance. The resolution shall state the factual findings and the basis for the decision of the hearing officer in writing.

(1) The abatement process shall be conducted as follows:

(a) If it is determined that the business establishment is to be closed temporarily, the City Commission shall order that all business activity end and declare that all business activity is prohibited and authorize the Police Department to prohibit any business activity from occurring at the business establishment for a period of up to thirty (30) days for the first offense, up to sixty (60) days for a second offense committed by the same owner within twelve months from the last day of the first closure, up to ninety (90) days for a third offense committed by the same owner within twelve months from the last day of the second closure; and/or,

(b) Determine that the owner shall be liable for the full cost of any materials and personnel (including police and any other city employees or contractors) involved in ensuring that no business activity occurs at the business establishment; and/or,

(c) Determine that the costs set out herein shall be a personal debt of the owner and/or assess those costs against the business establishment as a lien as provided for in this ordinance and by law, or both.

(2) The posting, recording and listing of public nuisances shall be as follows:

(a) Whenever the City Commission shall have ordered a business establishment to be closed temporarily, the Police Department shall post a notice so stating at each entrance to any building on the property and shall replace any notices that are missing or unreadable.

(b) The City Clerk shall maintain a list of those business establishments that have been declared to be a public nuisance and of the remedy ordered by the City Commission. Immediately upon a declaration of public nuisance as provided for herein, the City Clerk shall add the business establishment to the list. A list of such properties shall be available for public inspection at the City Clerk's office.

(c) No person other than an authorized city employee shall tamper with, damage, alter, destroy or remove any notice posted by the City.

(d) The City may, at its discretion, record an affidavit setting forth its findings under this Article and the remedies determined to apply to the property at the Muskegon County Register of Deeds.

Sec. 50-175. Appeal.

(a) An owner aggrieved by any final determination by the City Commission under this Chapter may appeal the determination to the Circuit Court within twenty-one (21) days of the date of the decision.

(b) The Circuit Court shall review the City Commission's decision to determine whether it is in violation of the law, has been procured by fraud, if an abuse of discretion exists, and whether the decision is supported by competent, substantial and material evidence on the record as a whole. The Circuit Court's review shall be made upon the record made before the hearing officer. It is the responsibility of the appealing party to demonstrate error, and to present and settle the record. The Court may return the matter for further hearing, reverse or modify the decision of the City Commission, or affirm the same. If the court affirms the action of the City, or modifies it, the Court may provide any order or relief it deems appropriate to enforce and aid in the enforcement of this ordinance and the action of the City.

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Wisneski, carter, Gawron, and Shepherd
Nays: None

Adoption Date: July 22, 2008

Effective Date: August 16, 2008

First Reading: July 22, 2008

Second Reading: N/A

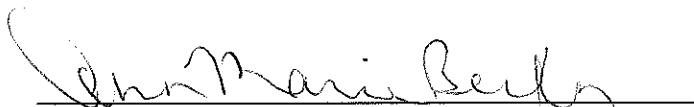
CITY OF MUSKEGON

By: 
Ann Becker
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of July, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: July 31, 2008


Ann Becker
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on July 22, 2008, the City Commission of the City of Muskegon adopted a new ordinance to the Muskegon City Code concerning the temporary closure of business establishments found to be a public nuisance, summarized as follows:

1. Section 50-171 provides definitions for this ordinance.
2. Section 50-172 provides that repeated disorderly or dangerous behavior is a public nuisance.
3. Section 50-173 provides that the City Commission may declare a business a public nuisance and outlines the requirements for proper notice and a public hearing for the business owner prior to such a finding.
4. Section 50-174 provides that the City Commission may order the nuisance abated by temporarily closing the business and holding the owner liable for the City's costs incurred. This section also requires the City Clerk to maintain a list of those businesses that have been declared a public nuisance and allows the City to record its findings regarding the property at the Muskegon County Register of Deeds.
5. Section 50-175 provides for a business owner's right to appeal the decision of the City Commission.

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

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

CITY OF MUSKEGON

Published: August 6, 2008

By: _____
Ann Marie Becker, MMC, Its Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: July 17, 2008

RE: Police Patrol Agreement

SUMMARY OF REQUEST:

To approve a tentative agreement with the Police Officers Labor Council (Police Patrol union) for a three-year contract.

FINANCIAL IMPACT:

Varies from year to year.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the proposed tentative agreements.

COMMITTEE RECOMMENDATION:

None.